

**EDEN CITY COUNCIL
REGULAR MEETING AGENDA
Council Chambers
308 E. Stadium Drive
February 18, 2020
6:00 p.m.**

1. Meeting called to order by: Neville Hall, Mayor
2. Invocation: Pastor Wayne Parlier, Meadow View United Methodist Church
3. Pledge of Allegiance: Led by Fire Chief Tommy Underwood
4. Proclamations & Presentations:
 - a. Proclamation: Black History Month
 - b. Presentation: Update on the Garden of Eden Senior Center.
Carla Huffman, Senior Citizens & Programs Director
5. Roll Call
6. Set Meeting Agenda
7. Public Hearings
8. Requests and Petitions of Citizens
9. Unfinished Business:
 - a. Consideration of an updated report on the nuisance violations at the American Warehouse property located at 206 Warehouse Street. **Kelly Stultz, Director of Planning & Inspections**
 - b. Consideration of Boards and Commissions appointments.
Kelly Stultz, Director of Planning & Inspections
10. New Business:
 - a. Consideration of a forensic audit by Davis Forensic Group.
Bert Davis, Jr., CPA, CFF, CFE
 - b. Consideration of a resolution to receive the N.C. Water Infrastructure Fund Grant for the Southern Virginia Mega Park Water Line project.
Mike Dougherty, Director of Economic Development
 - c. Consideration of a Municipal Agreement with NCDOT to update the City's Bicycle/ Pedestrian Plan and authorize the payment of the local match contribution of \$12,000.
Kelly Stultz, Director of Planning & Inspections
 - d. Consideration of a request to adopt an ordinance for the demolition of a structure at 924 Burton Street under the City's Human Habitation Ordinance.
Kelly Stultz, Director of Planning & Inspections
 - e. Consideration of a request to adopt an ordinance for the demolition of a structure at 753 Friendly Road under the City's Human Habitation Ordinance.
Kelly Stultz, Director of Planning & Inspections

- f. Consideration of a request to adopt an ordinance for the demolition of a structure at 1220 Front Street under the City's Human Habitation Ordinance.
Kelly Stultz, Director of Planning & Inspections
 - g. Consideration of a request to adopt an ordinance for the demolition of a structure at 1503 E. Meadow Road under the City's Human Habitation Ordinance.
Kelly Stultz, Director of Planning & Inspections
 - h. Consideration of a request to award the bid for the demolition of 110 Dameron Street.
Kelly Stultz, Director of Planning & Inspections
 - i. Consideration of a resolution to rename Washington Street Park.
Kelly Stultz, Director of Planning & Inspections
11. Reports from Staff:
- a. City Manager's Report. **Terry Shelton, Interim City Manager**
12. Consent Agenda:
- a. Approval and adoption of the (1) January 9, 2020 Minutes (2) January 21, 2020 Minutes (3) January 30, 2020 Minutes. **Deanna Hunt, City Clerk**
 - b. Approval and adoption of Budget Amendment #6.
Tammie McMichael, Director of Finance and Personnel
 - c. Approval and adoption of Budget Amendment #7.
Tammie McMichael, Director of Finance and Personnel
 - d. Approval and adoption of Budget Amendment #8.
Tammie McMichael, Director of Finance and Personnel
 - e. Approval to award the FY 2019-2020 Audit Contract to Rouse, Rouse, Rouse and Gardner, LLP. **Tammie McMichael, Director of Finance and Personnel**
 - f. Approval of financing for 2019-20 budgeted item: garbage truck.
Tammie McMichael, Director of Finance and Personnel
13. Announcements
14. Closed Session:
- a. To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body pursuant to NCGS 143-318-11(a)(4).
 - b. To discuss personnel pursuant to NCGS 143-318.11(a)(6).
15. Adjourn



BLACK HISTORY MONTH PROCLAMATION

WHEREAS, during Black History Month, we celebrate the many achievements and contributions made by African Americans to our economic, cultural, spiritual, and political development; and

WHEREAS, this annual observance is an opportunity to remember the challenges of our past, but also to honor countless African American heroes who inspire us to shape our country's future, and

WHEREAS, we remember and celebrate the lives of Sojourner Truth, Frederick Douglass, George Washington Carver, Martin Luther King, Jr., Rosa Parks, and countless other African Americans who triumphed over ignorance, oppression, and injustice to make indelible contributions to our American history. They are an integral part of our Nation's story. We are indebted to the individual and collective perseverance and patriotism of these outstanding men and women;

WHEREAS, during Black History Month, we recommit to being a community of opportunity and hope for every citizen;

NOW, THEREFORE, I, Neville Hall, Mayor of the City of Eden, do hereby proclaim the month of February 2020 to be

BLACK HISTORY MONTH

in the City of Eden and encourage all City of Eden residents to join me in celebrating the collective ingenuity, creativity, cultures and traditions of African Americans and commit ourselves to raise awareness and appreciation of Black History Month by participating in educational events honoring the contributions of Black Americans.

Presented this 18th day of February, 2020.

Neville Hall
Mayor

ATTEST:

Deanna Hunt
City Clerk



City of Eden Parks & Recreation Department

February 7, 2020

To: Honorable Mayor and City Council

Thru: Johnny Farmer, Director of Parks & Recreation, and Terry Shelton, Interim City Manager

From: Carla Huffman, Parks & Recreation Supervisor

Re: Senior Center future plans

Advisory Board for the Garden of Eden Senior Center would like to ask that the council continue plans for a new senior center for the citizens of Eden. Please place this on the February 18, 2020 City Council agenda.

Please let me know if you have any questions about this request. Thank you.



Planning and Inspections Department

P. O. Box 70, 308 E Stadium Drive, Eden NC 27289-0070/Telephone 336-623-2110/Fax 336-623-4057

MEMO

TO: Honorable Mayor and City Council
THRU: Terry Shelton, Interim City Manager
FROM: Kelly K. Stultz, AICP, Director
SUBJECT: **206 Warehouse Street**
DATE: February 10, 2020

At the November regular meeting of the Eden City Council, the Council made the decision to grant an extension to the property owner of 206 Warehouse Street until the February 2020 regular meeting to come into compliance.

We have done a site visit today and are attaching pictures showing the current condition. I will notify Louise Price so that she can be prepared to make a presentation regarding the property at your February regular meeting.

If you have any questions, please do not hesitate to contact me.



Planning and Inspections Department

308 East Stadium Drive, Eden, North Carolina 27288 Phone: (336) 623-2110 Fax: (336) 623-4057

MEMO

To: Honorable Mayor and City Council
Thru: Terry Shelton, Interim City Manager
From: Debbie Galloway
Subject: **2020 Boards and Commissions Appointments**
Date: February 4, 2020

The following seats on the City Boards and Commissions are up for appointment or reappointment in 2020. When making appointments, please consider whether these persons have the time or the ability (for whatever reason) to attend regular meetings and participate in the activities of the board or commission.

If you have questions, please do not hesitate to call.

Ward 1 Councilman Moore – All appointments filled

Ward 2 Councilman Nooe

Vacant – Historic Preservation Commission (Jean Harrington resigned)

Ward 3 Councilwoman Hampton – All appointments filled

Ward 4 Councilman Epps – All appointments filled

Ward 5 Councilman Carter – All appointments filled

Ward 6 Councilman Hunnicutt – All appointments filled

Ward 7 Councilman Ellis – All appointments filled

Mayor Hall – All appointments filled



Economic Development Department

February 6, 2020

To: Honorable Mayor and City Council
Thru: Terry Shelton, City Manager
From: Mike Dougherty, Director of Economic Development
Re: Resolution accepting of State Appropriations Grant

The attached resolution is required to receive the \$1,000,000 grant for the Southern Virginia Mega Park Water Line project from the NC Water Infrastructure Fund. Please place this on the February 18, 2020 City Council agenda.

Please let me know if you have any questions about this request. Thank you.



Resolution of the Council of the City of Eden, February 18, 2020

WHEREAS, The Safe Drinking Water Act Amendments of 1996 and the North Carolina Water Infrastructure Fund have authorized the making of loans and/or grants, as applicable, to aid eligible, drinking-water system owners in financing the cost of construction for eligible, drinking-water infrastructure; and,

WHEREAS, The North Carolina Department of Environmental Quality has offered a State Appropriations Program (SAP) grant from the NC Water Infrastructure Fund on January 17, 2020 in the amount of \$1,000,000 for the construction of Regional Mega Park Waterline Expansion (DWI Project N. H-SAP-D-19-0024,) hereafter referred to as the “Project”; and

WHEREAS, The City of Eden intends to construct said project in accordance with engineering plans and specifications that have been or will have been approved by the North Carolina Public Water Supply Section.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EDEN:

That the City of Eden does hereby accept the State Appropriations Program offer of \$1,000,000; and,

That the City of Eden does hereby give assurance to the North Carolina Department of Environmental Quality that they will adhere to all applicable items specified in the standard “Conditions” and “Assurances” of the Department’s funding offer, awarded in the form of the State Appropriations Grant; and,

That Terry Shelton, Interim City Manager and successors so titled, is hereby authorized and directed to furnish such information, as the appropriate State agency may request, in connection with such application or the Project; to make Assurances as contained above; and to execute such other documents as may be required in connection with the application; and

That the City of Eden has complied substantially or will comply substantially with all Federal, State and local laws, rules, regulations, and ordinances applicable to the Project, and to Federal and State grants and loans pertaining thereto.

Adopted this 18th day of February in Eden, NC

Neville Hall
Mayor

Attest:

Deanna Hunt, City Clerk



Planning and Inspections Department

P. O. Box 70, 308 E Stadium Drive, Eden NC 27289-0070/Telephone 336-623-2110/Fax 336-623-4057

MEMO

TO: Honorable Mayor and City Council
THRU: Terry Shelton, Interim City Manager
FROM: Kelly K. Stultz, AICP, Director
SUBJECT: Pedestrian Planning Grant
DATE: February 7, 2020

At the July 16, 2019, regular meeting of the Eden City Council, a Resolution was adopted endorsing the application for pedestrian planning grant funds. The City of Eden was awarded the Pedestrian Planning Grant by the Board of Transportation in November of 2019.

The NCDOT has requested that the City execute the Municipal Reimbursement Agreement, a copy of which is attached, and return it before March 31, 2020.

We ask that you authorize the execution of the agreement and match of \$12,000 for this grant.

If you have questions, please contact this office.

NORTH CAROLINA

**NCDOT ADMINISTERED – BICYCLE/PEDESTRIAN PLAN
(STATE FUNDS RECEIVABLE)**

ROCKINGHAM COUNTY

DATE: 1/22/2020

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: M-0538D

AND

WBS Elements: 49066.1.4

CITY OF EDEN

THIS MUNICIPAL AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the City of Eden, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, in accordance with G.S. 136-66.2, the NC General Assembly requires each Municipality to develop a comprehensive transportation plan that will serve present and anticipated travel demand; and,

WHEREAS, the Department's Integrated Mobility Division (IMD) and the Transportation Planning Division have created a matching grant program to encourage the development of comprehensive municipal bicycle plans and pedestrian plans, which may serve as a component of the comprehensive transportation plan; and,

WHEREAS, the Municipality has requested funding for the development of a Bicycle and/or Pedestrian Plan, as more fully described in this Agreement and hereinafter referred to as the Project; and,

WHEREAS, the Municipality has requested that the Department administer the Project in coordination with the Municipality; and,

WHEREAS, the Municipality has agreed to participate in the cost of the project as hereinafter set out; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly including, but not limited to, the following applicable legislation: General Statutes of North Carolina (NCGS) Section 136-66.1, Section 136-71.6, Section 160A-296 and 297, Section 136-18, Section 136-41.3 and Section 20-169, to participate in the planning, construction and/or implementation of the Project approved by the Board of Transportation.

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

SCOPE OF THE PROJECT

1. The Project consists of the planning and production of a Comprehensive Pedestrian Plan (Plan) in accordance with the Department's policies and procedures.
2. The Department's funding participation in the Project shall be restricted to development of this Plan, as further set forth in this Agreement.

DEVELOPMENT OF PLAN

3. The Department, and or its agent, shall prepare the Plan for the Municipality, following the IMD's Content Standards for NCDOT Bicycle and Pedestrian Plans.
4. The Municipality shall participate in providing data and logistical support for public meetings and other required public notices.
5. The Department will provide a preliminary draft of the Plan to the Municipality for review and comment. The Municipality shall provide comments to the Department within three (3) months. Upon receipt of comments from the Municipality, the Department will provide a final draft.

COMPLETION AND ADOPTION OF PLAN

6. The governing body of the Municipality shall consider the adoption of the Plan as provided in the Final Draft by the Department. If the Council requests significant changes prior to adoption, the Plan will be modified and resubmitted to the Municipality for final approval within three (3) months.
7. The Municipality shall receive digital files and hard copies of the approved Plan. The Municipality shall be responsible for the distribution of the final documents to the appropriate local agencies and interested parties.

PROJECT DOCUMENTS

8. All documents, including digital files, will become the property of the Municipality and the Department. Any and all original graphics, technical drawings, photographs, maps, GIS files, and promotional items produced for the plan or for any public meetings shall be available for use by the Department in other publications, on the IMD website and for display purposes. The Department shall be credited for its participation in all documents, publicity, announcements and materials prepared for/by the municipality for public meetings.

TIME FRAMES

9. The Department has a required time frame of two years to complete the Project. It is important that the Municipality provide necessary support and responses to the Department in a timely manner. Any delays on the part of the Municipality may affect the ability of the Department to provide financial support for the Project.

FUNDING

10. The total available funding is \$60,000. The Department shall provide 80% of the funding, up to a maximum amount \$48,000. The Municipality shall provide a 20% local match, or \$12,000, and shall be responsible for any costs that exceed the total available funding. The Municipality shall submit a check for \$12,000 to the Department upon execution of this Agreement by the Municipality.
11. Upon completion of the project, if actual costs exceed the total available funding of \$60,000, the Municipality shall reimburse the Department the underpayment within sixty (60) days of invoicing by the Department. The Department shall charge a late payment penalty and interest on any unpaid balance due in accordance with G.S. 147-86.23.
12. Upon completion of the project, if actual costs are less than the total available funding of \$60,000, the Department shall reimburse the Municipality any overpayment at the above matching share.

REPORTING REQUIREMENTS

13. The Department is subject to NC Article 2, Chapter 36 (136-41.5), which mandates an annual report on use of bicycle and pedestrian planning grant funds. By entering into this agreement with the Department, the municipality acknowledges their participation in annual reviews of the status of implementation of projects identified in the completed plan.

ADDITIONAL PROVISIONS

14. The Department shall not be liable and shall be held harmless from any and all claims that might arise on account of the Municipality negligence and/or responsibilities under the terms of this agreement and/or project.
15. All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.
16. If the other party to this agreement is a Municipality and fails for any reason to reimburse the Department in accordance with the provisions for payment hereinabove provided, NCGS 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated

to Municipality by NCGS 136-41.1, until such time as the Department has received payment in full.

17. This Agreement contains the entire agreement between the parties and there are no understandings or agreements, verbal or otherwise, regarding this Agreement except as expressly set forth herein.
18. The parties hereby acknowledge that the individual executing the Agreement on their behalf is authorized to execute this Agreement on their behalf and to bind the respective entities to the terms contained herein and that he has read this Agreement, conferred with his attorney, and fully understands its contents.
19. The other party to this Agreement shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21) and related nondiscrimination authorities. Title VI and related authorities prohibit discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.
20. A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the parties agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.
21. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

IT IS UNDERSTOOD AND AGREED upon that the approval of the Project by the Department is subject to the conditions of this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

ATTEST:

CITY OF EDEN

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Federal Tax Identification Number

(SEAL)

Remittance Address:

City of Eden

DEPARTMENT OF TRANSPORTATION

BY: _____

(DEPUTY SECRETARY FOR MULTIMODAL
TRANSPORTATION)

DATE: _____

PRESENTED TO BOARD OF TRANSPORTATION ITEM O: _____



Planning and Inspections Department

P. O. Box 70, 308 E Stadium Drive, Eden NC 27289-0070/Telephone 336-623-2110/Fax 336-623-4057

MEMO

To: Honorable Mayor and City Council
Thru: Terry Shelton, Interim City Manager
From: Kelly K. Stultz, AICP, Director
Subject: Human Habitation Standards Action/924 Burton Street
Date: February 7, 2020

Attached you will find a section of the Human Habitation Standards Ordinance relating to the steps to be taken when an owner fails to comply with an order to repair or demolish. Also attached is a copy of the Complaint and Notice of Hearing which sets out the violations found at the initial inspection and a copy of the Findings of Fact and Order. The City of Eden Human Habitation Standards Ordinance and the enabling legislation permit the City Council, upon adoption of an Ordinance, to order the repair or demolition of the structure. Five (5) bids were submitted to this department as follows:

Sam W. Smith, Inc.	\$ 5,000.00
Kenny Frith	\$ 1,800.00
Brad Fisher Hauling	\$ 3,000.00
Loye Grading	\$ 3,500.00
Rabco Inc. of N.C.	\$ 2,390.00

Staff recommends that Kenny Frith be awarded the bid for the demolition of the house with the lowest bid being in the amount of \$1,800.00.

Once the demolition is done at the City's expense, actions can be taken to recoup the funds in the same manner as the collection of special assessments. Special assessments are a lien only on the property in question. That means the best remedy available to us is foreclosure. There is no guarantee that these funds can be recovered.

§ 4-90 FAILURE TO COMPLY WITH ORDER; OWNER.

(A) If the owner fails to comply with an order to repair, alter or improve the dwelling, the Director may:

(1) Cause such dwelling to be repaired, altered or improved, and pending such repairs, alterations or improvements, may order such dwelling vacated and closed.

(2) Cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor.

(B) If the owner fails to comply with an order to remove or demolish the dwelling, the Director may:

(1) Cause such dwelling to be vacated and closed, removed or demolished.

(2) Cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor.

(C) The duties of the Director set forth in subsections (A) and (B) shall not be exercised until the City Council, by ordinance, shall have ordered the Director to proceed to effectuate the purpose of this article with respect to the particular property or properties which the Director shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with this article. Such ordinances shall be recorded in the office of the Register of Deeds of Rockingham County and shall be indexed in the name of the property owner in the grantor index.

(D) The amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the Director shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided by G.S. Chapter 160A, Article 10. If the dwelling is removed or demolished by the Director, he shall sell the materials of such dwelling, and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Superior Court of Rockingham County by the Director, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. (Ord. passed 5-15-95)

COMPLAINT AND NOTICE OF HEARING BEFORE
HOUSING INSPECTOR UNDER HOUSING CODE

TO: Owners and parties in interest in the property located at 924 BURTON STREET and any accessory structure of the City of Eden, North Carolina.

ADELAIDE S. HOLT; all assignees, heirs at law and devisees of ADELAIDE S. HOLT together with all creditors and lienholders regardless of how or through whom they claim, and any and all persons claiming any interest in the estate of ADELAIDE S. HOLT, including, but not limited to:

Adelaide Holt Hairston

Madeline Holt McBurrows

YOU ARE HEREBY NOTIFIED that the dwelling unit and/or lot located at the address designated above is in a condition that appears to be unfit for human habitation and to violate the City of Eden Minimum Housing Code in the following ways:

1. Deteriorating supporting members (33%), outside walls or covering (50%)
2. Insufficient floors or roofs
3. Wind or fire damage.
4. Dilapidation, decay, unsanitary conditions or disrepair
5. Lack of proper electrical, heating or plumbing facilities

YOU ARE FURTHER NOTIFIED that a hearing will be held before the Housing Inspector of the City of Eden at 308 East Stadium Dr. at **8:30 A.M. on July 10, 2019**, for the purpose of finding the facts as to whether or not the condition of such property falls within the scope of the above mentioned sections of the Housing Code. At the hearing, you shall be entitled to offer such evidence as is relevant to material to the questions sought to be determined or the remedies to be effected.

YOU ARE FURTHER NOTIFIED that if, upon such hearing, the Housing Inspector shall find that the conditions of the above described property do in fact violate the Housing Code, and do in fact render such dwelling unit unfit for human habitation, the Housing Inspector will issue an order in writing directed to the owner of such property requiring the owner to remedy these conditions. The Housing Inspector may make such other orders and take such other procedures as are authorized under the Housing Code and the General Statutes of North Carolina.

Further information as to this matter may be obtained by contacting the undersigned at (336) 623-2110.

This the 12th day of June, 2019.

Robert Vincent, Chief Codes Inspector

FINDING OF FACT AND ORDER

TO: Owners and parties in interest in the property located at 924 BURTON STREET and any accessory structures of the City of Eden, North Carolina.

ADELAIDE S. HOLT; all assignees, heirs at law and devisees of ADELAIDE S. HOLT together with all creditors and lienholders regardless of how or through whom they claim, and any and all persons claiming any interest in the estate of ADELAIDE S. HOLT, including, but not limited to:

Adelaide Holt Hairston
101 N. Primitive Street
Eden, NC 27288

Madeline Holt McBurrows
206 Newtown Road
Chester, MD 21619

Jackie Williams
4584 Lakeside St North
Columbus, OH 43232

Alicia Nesbitt
152 Braeburn Drive
Blaklick, OH 43004

Otelia Wright
821 Lakemead Blvd #A
Las Vegas, NV 89106

The undersigned Housing Inspector of the City of Eden pursuant to law conducted a hearing at the time and place stated in the Complaint and Notice heretofore issued and served, or at a time to which the hearing was continued with previous notice to the above-named owners and parties in interest or their agents or attorneys. At the hearing, the Answer, if any, filed by the owners and parties in interest were carefully analyzed and considered by the undersigned. In addition to other evidence presented, the undersigned personally inspected the property described above, and such inspection and examination has been considered along with the other evidence offered at this hearing.

Upon the record and all of the evidence offered and contentions made, the undersigned Housing Inspector does hereby find the following facts:

1. The above-named owners and parties in interest with respect to the property located at the place specified above were duly served as required by law with written Complaint and Notice of Hearing which set forth the Complaint that the premises located at the above address is unfit for human habitation and violation of the City Minimum Housing Code, and the particulars thereof, and fixed a time and place for a hearing upon the Complaint as provided by law. At the hearing, the following owners, persons in interest or their agents or their agents or attorneys, were present and participated therein:

NONE

2. The premises described above violates the City Minimum Housing Code, by reason of the conditions found to be present and to exist in and about the structure. The following is a description of conditions:

1. Deteriorating supporting members (33%), outside walls or covering (50%)
2. Insufficient floors or roofs
3. Wind or fire damage.
4. Dilapidation, decay, unsanitary conditions or disrepair
5. Lack of proper electrical, heating or plumbing facilities

3. Due to conditions, the building and or premises described above is found to be in condition within the meaning of the City Minimum Housing Code.

IT IS THEREFORE ORDERED that the owners of the property above are required to bring such property into compliance with the Minimum Housing Code by:

Repairing, altering, improving or vacating and demolishing the dilapidated structure and cleaning up the premises.

By a date not later than OCTOBER 20, 2019

This the 20th day of August, 2019.

s/Robert Vincent, Chief Codes Inspector

Prepared by and Return to:
Erin B. Gilley

AN ORDINANCE AND ORDER
FOR THE DEMOLITION OF
PROPERTY AT 924 BURTON STREET,
EDEN, NORTH CAROLINA

THIS ORDINANCE is issued pursuant to the provisions of North Carolina General Statutes §160A-443 and Chapter 4, Article IV of the Eden City Code.

WHEREAS, on the 25th day of April, 2018, the Director of the Planning and Inspections Department examined the dwelling owned by Adelaide S. Holt Heirs, Adelaide Holt Hairston, Madeline Holt McBurrows, Jackie Williams, Alicia Nesbitt and Otelia Wright, at 924 Burton Street, Eden, North Carolina and found it to be unfit for human habitation, that said property is more particularly described as follows:

BEGINNING at a stake at the northeast corner of Wright and Burton Streets; thence along the east line of Wright Street, South 35 deg. 30 min. East 182 feet to a stake; thence leaving Wright Street, North 54 deg. 30 min. East 82.5 feet to a stake; thence North 35 deg. 30 min. West 183 feet to a stake on the southeast side of Burton Street; thence along the line of Burton Street, South 54 deg. 30 min. West 82.5 feet to the BEGINNING. Same being a part of Lots Nos. 13 and 17 as per map of Harris Addition, Leaksville, N.C., made 1899 by W. B. Trogdon and being the lands conveyed by S. B. Dillard and wife, Victoria Dillard, deed dated August 28, 1917. Deed Reference: Book 328, page 39.

The above described property being more commonly known as 924 Burton Street, Eden, North Carolina, and being further identified by the Rockingham County Tax Dept. as PIN 7979-10-47-2050-00.

WHEREAS, on the 12th day of June, 2019, the Director caused to be issued a Complaint and Notice of Hearing for the 10th day of July, 2019, which was served on the property owners by publishing on the 19th and 26th day of June, 2019, copies were served on Madeline Holt McBurrows by first class mail and certified mail, return receipt requested on the 21st day of June, 2019, on Adelaide H. Hairston by first class mail and certified mail, return receipt requested on the 15th day of June, 2019, on Jackie Williams by first class mail and certified mail, return receipt requested on the 17 day of June, 2019, on Alicia Nesbitt by first class mail and certified mail, return receipt requested on the 17 day of June, 2019, and on Otelia Wright by first class mail and certified mail, return receipt requested, which was returned by the U. S. Postal service marked "Not Deliverable As Address;" however, the first class mail was not returned; and by posting on the subject property on the 17th day of June, 2019; and

WHEREAS, the hearing was held on the 10th day of July, 2019, and the Director subsequently issued an Order to repair, alter, improve or vacate and demolish the dwelling located on the property; and

WHEREAS, a copy of the Order was served on the property owners by first class mail and certified mail, return receipt requested as follows: on Madeline Holt McBurrows on the 22nd day of August, 2019, on Adelaide H. Hairston on the 21st day of August, 2019, on Alicia Nesbitt on the 23 day of August, 2019, on Otelia Wright without a date being provided by the U. S. Postal Service; the copy mailed to Jackie Williams was returned by the U. S. Postal Service marked "Unclaimed" and by posting a copy on the subject property on the 21st day of August, 2019; and

WHEREAS, the property owners did not appeal the Order and, pursuant to Chapter 4, Section 4-89(b) of the Eden City Code, a copy of the order has been mailed to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notice; and

WHEREAS, the Owners have had a reasonable opportunity to bring the property into conformity with Chapter 4, Article IV of the Eden City Code and they have failed to take any action to comply with the Director's Order.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Eden that the Director is hereby ordered to proceed to effectuate the purpose of the Human Habitation Standards set out in Article IV of Chapter 4 of the Eden City Code with respect to the property described above by demolishing the structures located thereon.

IT IS FURTHER ORDERED that a certified copy of this Ordinance and Order shall be recorded in the Office of the Register of Deeds of Rockingham County, North Carolina, and indexed in the names of Adelaide S. Holt, Madeline Holt McBurrows, Adelaide Holt Hairston, Jackie Williams, Alicia Nesbitt and Otelia Wright in the Grantor and Grantee index.

IT IS FURTHER ORDERED that the amount of the cost of demolishing the dwelling by the Director shall be a lien against the real property upon which the cost was incurred, said lien shall be filed, have the same priority, and be collected as the lien for special assessment provided by North Carolina General Statutes Chapter 160A, Article 10.

APPROVED, ADOPTED AND EFFECTIVE, this 18th day of February, 2020.

CITY OF EDEN

BY: _____
Neville A. Hall, Mayor

ATTEST:

Deanna Hunt, City Clerk



Planning and Inspections Department

P. O. Box 70, 308 E Stadium Drive, Eden NC 27289-0070/Telephone 336-623-2110/Fax 336-623-4057

MEMO

To: Honorable Mayor and City Council
Thru: Terry Shelton, Interim City Manager
From: Kelly K. Stultz, AICP, Director
Subject: Human Habitation Standards Action/753 Friendly Road
Date: February 7, 2020

Attached you will find a section of the Human Habitation Standards Ordinance relating to the steps to be taken when an owner fails to comply with an order to repair or demolish. Also attached is a copy of the Complaint and Notice of Hearing which sets out the violations found at the initial inspection and a copy of the Findings of Fact and Order. The City of Eden Human Habitation Standards Ordinance and the enabling legislation permit the City Council, upon adoption of an Ordinance, to order the repair or demolition of the structure. Five (5) bids were submitted to this department as follows:

Sam W. Smith, Inc.	\$ 7,000.00
Kenny Frith	\$ 4,900.00
Brad Fisher Hauling	\$ 4,600.00
Loye Grading	\$ 9,600.00
Rabco Inc of N.C.	\$ 3,995.00

Staff recommends that Rabco Inc. of N.C. be awarded the bid for the demolition of the house with the lowest bid being in the amount of \$3,995.00.

Once the demolition is done at the City's expense, actions can be taken to recoup the funds in the same manner as the collection of special assessments. Special assessments are a lien only on the property in question. That means the best remedy available to us is foreclosure. There is no guarantee that these funds can be recovered.

§ 4-90 FAILURE TO COMPLY WITH ORDER; OWNER.

(A) If the owner fails to comply with an order to repair, alter or improve the dwelling, the Director may:

(1) Cause such dwelling to be repaired, altered or improved, and pending such repairs, alterations or improvements, may order such dwelling vacated and closed.

(2) Cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor.

(B) If the owner fails to comply with an order to remove or demolish the dwelling, the Director may:

(1) Cause such dwelling to be vacated and closed, removed or demolished.

(2) Cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor.

(C) The duties of the Director set forth in subsections (A) and (B) shall not be exercised until the City Council, by ordinance, shall have ordered the Director to proceed to effectuate the purpose of this article with respect to the particular property or properties which the Director shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with this article. Such ordinances shall be recorded in the office of the Register of Deeds of Rockingham County and shall be indexed in the name of the property owner in the grantor index.

(D) The amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the Director shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided by G.S. Chapter 160A, Article 10. If the dwelling is removed or demolished by the Director, he shall sell the materials of such dwelling, and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Superior Court of Rockingham County by the Director, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. (Ord. passed 5-15-95)

COMPLAINT AND NOTICE OF HEARING BEFORE
HOUSING INSPECTOR UNDER HOUSING CODE

TO: Owners and parties in interest in the property located at 753 Friendly Road including any accessory structures of the City of Eden, North Carolina.

YOU ARE HEREBY NOTIFIED that the dwelling unit and/or lot located at the address designated above is in a condition that appears to be unfit for human habitation and to violate the City of Eden Minimum Housing Code as follows:

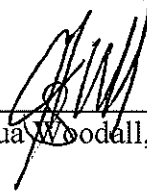
- (1) **Wind or fire damage**
- (2) **Dilapidation, decay, unsanitary conditions or disrepair**

YOU ARE FURTHER NOTIFIED that a hearing will be held before the Housing Inspector of the City of Eden at 308 East Stadium Dr. at **9:00 A.M., July 17, 2019**, for the purpose of finding the facts as to whether or not the condition of such property falls within the scope of the above mentioned sections of the Housing Code. At the hearing, you shall be entitled to offer such evidence as is relevant to material to the questions sought to be determined or the remedies to be effected.

YOU ARE FURTHER NOTIFIED that if, upon such hearing, the Housing Inspector shall find that the conditions of the above described property do in fact violate the Housing Code, and do in fact render such dwelling unit unfit for human habitation, the Housing Inspector will issue an order in writing directed to the owner of such property requiring the owner to remedy these conditions. The Housing Inspector may make such other orders and take such other procedures as are authorized under the Housing Code and the General Statutes of North Carolina.

Further information as to this matter may be obtained by contacting the undersigned at (336) 623-2110.

This the 21st day of June, 2019.



Joshua Woodall, Codes Inspector

FINDING OF FACT AND ORDER

File No. 19000768

TO: Owners and parties in interest in the property located at 753 FRIENDLY ROAD including any accessory structures, of the City of Eden, North Carolina.

LINDA KEEN MILLNER; all assignees, heirs at law and devisees of LINDA KEEN MILLNER together with all creditors and lienholders regardless of how or through whom they claim, and any and all persons claiming any interest in the estate of LINDA KEEN MILLNER, including, but not limited to, the following:

Jason Tyrone Millner
James Maurice Millner

Colette M. Millner
Tracie Millner

The undersigned Housing Inspector of the City of Eden pursuant to law conducted a hearing at the time and place stated in the Complaint and Notice heretofore issued and served, or at a time to which the hearing was continued with previous notice to the above-named owners and parties in interest or their agents or attorneys. At the hearing, the Answer, if any, filed by the owners and parties in interest were carefully analyzed and considered by the undersigned. In addition to other evidence presented, the undersigned personally inspected the property described above, and such inspection and examination has been considered along with the other evidence offered at this hearing.

Upon the record and all of the evidence offered and contentions made, the undersigned Housing Inspector does hereby find the following facts:

1. The above-named owners and parties in interest with respect to the property located at the place specified above were duly served as required by law with written Complaint and Notice of Hearing which set forth the Complaint that the premises located at the above address is unfit for human habitation and violation of the City Minimum Housing Code, and the particulars thereof, and fixed a time and place for a hearing upon the Complaint as provided by law. At the hearing, the following owners, persons in interest or their agents or their agents or attorneys, were present and participated therein:
NONE.

2. The premises described above violates the City Minimum Housing Code, by reason of the conditions found to be present and to exist in and about the structure. The following is a description of conditions:

- (1) **Wind or fire damage**
- (2) **Dilapidation, decay, unsanitary conditions or disrepair**

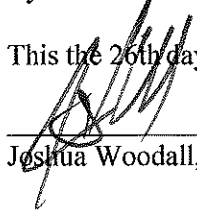
3. Due to conditions, the building and or premises described above is found to be in condition within the meaning of the City Minimum Housing Code.

IT IS THEREFORE ORDERED that the owners of the property above are required to bring such property into compliance with the Minimum Housing Code by:

Repairing, altering, improving or vacating and demolishing the dilapidated structure and cleaning up the premises.

By a date not later than September 27, 2019.

This the 26th day of July, 2019.



Joshua Woodall, Codes Inspector

Prepared by and Return to:
Erin B. Gilley

AN ORDINANCE AND ORDER
FOR THE DEMOLITION OF
PROPERTY AT 753 FRIENDLY ROAD,
EDEN, NORTH CAROLINA

THIS ORDINANCE is issued pursuant to the provisions of North Carolina General Statutes §160A-443 and Chapter 4, Article IV of the Eden City Code.

WHEREAS, on the 19th day of June, 2019, the Director of the Planning and Inspections Department examined the dwelling owned by Linda K. Millner Heirs, Jason Tyrone Millner, Colette M. Millner, James Maurice Millner and Tracie Millner at 753 Friendly Road, Eden, North Carolina and found it to be unfit for human habitation, that said property is more particularly described as follows:

BEGINNING at an iron pipe set in the west line of Cascade Road, said iron pipe also marking the S. E. corner of Lot 4, thence and with the west line of Cascade Road, South 51° 00' West 100.00 feet to an iron pipe, said iron pipe marking the south east corner of Lot No. 5; thence continuing with the west line of Cascade Road South 57° 30' West 100.00 feet to an iron pipe; thence North 33° 00' West 195.00 feet to an iron pipe, the corner with Lot 7; thence North 69° 30' East 100.00 feet to an iron pipe, said iron pipe marking the south west corner of Lot No. 5; thence North 36° 00' East 77.50 feet to an iron pipe a corner with Lot 4; thence and with the south line of Lot No. 4, South 37° 45' East 196.0 feet to an iron pipe, the POINT OF BEGINNING, same being Lots 5 and 6, as per map showing portion of D. F. King Estate, Map "A", by E. B. Fitzgerald, Jr., also as per plat showing property of R. H. Hardy, made by Deputy County Surveyor, Henry J. Reid, by A. N. Mattocks, Rockingham County Surveyor, November 13, 1952. For further reference see Book 393, page 570.

SAVE AND EXCEPT Lot 6 which was conveyed to Martin T. Kelley and wife, Lucille H. Kelley by deed recorded in Book 806 at page 1609.

The above described property being more commonly known as 753 Friendly Road, Eden, North Carolina, and being further identified by the Rockingham County Tax Dept. as PIN 7081-18-20-7463-00.

WHEREAS, on the 21st day of June, 2019, the Director caused to be issued a Complaint and Notice of Hearing for the 17th day of July, 2019, which was served on the property owners by posting on the subject property on the 17th day of June, 2019, and by first class mail and certified mail, return receipt requested, as follows: on Tracie Millner on the 25th day of June, 2019, on James Maurice Millner on the 24th day of June, 2019, the certified mail for Colette M. Millner was returned by the U. S. Postal Service marked "Unclaimed" and her first class mail was not returned, the certified mail for Jason Tyrone Millner was returned by the U. S. Postal Service marked "Refused" and his first class mail was not returned; and

WHEREAS, the hearing was held on the 17th day of July, 2019, and the Director subsequently issued an Order to repair, alter, improve or vacate and demolish the dwelling located on the property; and

WHEREAS, a copy of the Order was served on the property owners by posting a copy on the subject property on the 26th day of July, 2019; by publishing a copy on August 7, 2019; and by first class mail and certified mail, return receipt requested as follows: on Jason Tyrone Millner on the 27th day of July, 2019, on James Maurice Millner on the 29th day of July, 2019, the certified mail and first class mail for Collette M. Millner was returned by the U. S. Postal Service marked "Unclaimed," and the certified mail for Tracie Millner was returned by the U. S. Postal Service marked "Unclaimed."

WHEREAS, the Director caused a Notice of Lis Pendens to be filed in the Office of the Clerk of Superior Court for Rockingham County, North Carolina, on the 2nd day of October, 2019; and

WHEREAS, the property owners did not appeal the Order and, pursuant to Chapter 4, Section 4-89(b) of the Eden City Code, a copy of the order has been mailed to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notice; and

WHEREAS, the Owners have had a reasonable opportunity to bring the property into conformity with Chapter 4, Article IV of the Eden City Code and they have failed to take any action to comply with the Director's Order.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Eden that the Director is hereby ordered to proceed to effectuate the purpose of the Human Habitation Standards set out in Article IV of Chapter 4 of the Eden City Code with respect to the property described above by demolishing the structures located thereon.

IT IS FURTHER ORDERED that a certified copy of this Ordinance and Order shall be recorded in the Office of the Register of Deeds of Rockingham County, North Carolina, and indexed in the names of Linda K. Millner, Jason Tyrone Millner, James Maurice Millner, Colette M. Millner and Tracie Millner in the Grantor and Grantee index.

IT IS FURTHER ORDERED that the amount of the cost of demolishing the dwelling by the Director shall be a lien against the real property upon which the cost was incurred, said lien shall be filed, have the same priority, and be collected as the lien for special assessment provided by North Carolina General Statutes Chapter 160A, Article 10.

APPROVED, ADOPTED AND EFFECTIVE, this 18th day of February, 2020.

CITY OF EDEN

BY: _____
Neville A. Hall, Mayor

ATTEST:

Deanna Hunt, City Clerk



Planning and Inspections Department

P. O. Box 70, 308 E Stadium Drive, Eden NC 27289-0070/Telephone 336-623-2110/Fax 336-623-4057

MEMO

To: Honorable Mayor and City Council
Thru: Terry Shelton, Interim City Manager
From: Kelly K. Stultz, AICP, Director
Subject: Human Habitation Standards Action/1220 Front Street
Date: February 7, 2020

Attached you will find a section of the Human Habitation Standards Ordinance relating to the steps to be taken when an owner fails to comply with an order to repair or demolish. Also attached is a copy of the Complaint and Notice of Hearing which sets out the violations found at the initial inspection and a copy of the Findings of Fact and Order. The City of Eden Human Habitation Standards Ordinance and the enabling legislation permit the City Council, upon adoption of an Ordinance, to order the repair or demolition of the structure. Five (5) bids were submitted to this department as follows:

Sam W. Smith, Inc.	\$ 5,000.00
Kenny Frith	\$ 3,500.00
Brad Fisher Hauling	\$ 3,900.00
Loye Grading	\$ 7,200.00
Rabco Inc of NC	\$ 3,540.00

Staff recommends that Kenny Frith be awarded the bid for the demolition of the house with the lowest bid being in the amount of \$3,500.00.

Once the demolition is done at the City's expense, actions can be taken to recoup the funds in the same manner as the collection of special assessments. Special assessments are a lien only on the property in question. That means the best remedy available to us is foreclosure. There is no guarantee that these funds can be recovered.

§ 4-90 FAILURE TO COMPLY WITH ORDER; OWNER.

(A) If the owner fails to comply with an order to repair, alter or improve the dwelling, the Director may:

(1) Cause such dwelling to be repaired, altered or improved, and pending such repairs, alterations or improvements, may order such dwelling vacated and closed.

(2) Cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor.

(B) If the owner fails to comply with an order to remove or demolish the dwelling, the Director may:

(1) Cause such dwelling to be vacated and closed, removed or demolished.

(2) Cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor.

(C) The duties of the Director set forth in subsections (A) and (B) shall not be exercised until the City Council, by ordinance, shall have ordered the Director to proceed to effectuate the purpose of this article with respect to the particular property or properties which the Director shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with this article. Such ordinances shall be recorded in the office of the Register of Deeds of Rockingham County and shall be indexed in the name of the property owner in the grantor index.

(D) The amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the Director shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided by G.S. Chapter 160A, Article 10. If the dwelling is removed or demolished by the Director, he shall sell the materials of such dwelling, and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Superior Court of Rockingham County by the Director, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. (Ord. passed 5-15-95)

COMPLAINT AND NOTICE OF HEARING BEFORE
HOUSING INSPECTOR UNDER HOUSING CODE

TO: Owners and parties in interest in the property located at 1220 Front Street
_____ of the City of Eden, North Carolina.

YOU ARE HEREBY NOTIFIED that the dwelling unit and/or lot located at the address designated above is in a condition that appears to be unfit for human habitation and to violate the City of Eden Minimum Housing Code as follows:

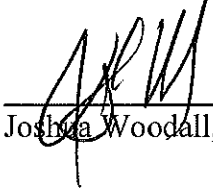
Wind or fire damage

YOU ARE FURTHER NOTIFIED that a hearing will be held before the Housing Inspector of the City of Eden at 308 East Stadium Dr. at **8:30 A.M., January 6, 2020**, for the purpose of finding the facts as to whether or not the condition of such property falls within the scope of the above mentioned sections of the Housing Code. At the hearing, you shall be entitled to offer such evidence as is relevant to material to the questions sought to be determined or the remedies to be effected.

YOU ARE FURTHER NOTIFIED that if, upon such hearing, the Housing Inspector shall find that the conditions of the above described property do in fact violate the Housing Code, and do in fact render such dwelling unit unfit for human habitation, the Housing Inspector will issue an order in writing directed to the owner of such property requiring the owner to remedy these conditions. The Housing Inspector may make such other orders and take such other procedures as are authorized under the Housing Code and the General Statutes of North Carolina.

Further information as to this matter may be obtained by contacting the undersigned at (336) 623-2110.

This the 9th day of December, 2019.



Joshua Woodall, Codes Inspector

FINDING OF FACT AND ORDER

TO: Owners and parties in interest of the property located at 1220 Front Street including any accessory structures, City of Eden, North Carolina.

The undersigned Housing Inspector of the City of Eden pursuant to law conducted a hearing at the time and place stated in the Complaint and Notice heretofore issued and served, or at a time to which the hearing was continued with previous notice to the above-named owners and parties in interest or their agents or attorneys. At the hearing, the Answer, if any, filed by the owners and parties in interest were carefully analyzed and considered by the undersigned. In addition to other evidence presented, the undersigned personally inspected the property described above, and such inspection and examination has been considered along with the other evidence offered at this hearing.

Upon the record and all of the evidence offered and contentions made, the undersigned Housing Inspector does hereby find the following facts:

1. The above-named owners and parties in interest with respect to the property located at the place specified above were duly served as required by law with written Complaint and Notice of Hearing which set forth the Complaint that the premises located at the above address is unfit for human habitation and violation of the City Minimum Housing Code, and the particulars thereof, and fixed a time and place for a hearing upon the Complaint as provided by law. At the hearing, the following owners, persons in interest or their agents or their agents or attorneys, were present and participated therein:

NONE

2. The premises described above violate the City Minimum Housing Code, by reason of the conditions found to be present and to exist in and about the structure as listed below:

Wind or Fire Damage

3. Due to conditions, the building and or premises described above is found to be in condition within the meaning of the City Minimum Housing Code.

IT IS THEREFORE ORDERED that the owners of the property above are required to bring such property into compliance with the Minimum Housing Code by:

Repairing, altering, improving or vacating and demolishing the dilapidated structure and cleaning up the premises.

By a date not later than February 10, 2020.

This the 10th day of January, 2020.



Joshua Woodall, Codes Inspector

Prepared by and Return to:
Erin B. Gilley

AN ORDINANCE AND ORDER
FOR THE DEMOLITION OF
PROPERTY AT 1220 FRONT STREET,
EDEN, NORTH CAROLINA

THIS ORDINANCE is issued pursuant to the provisions of North Carolina General Statutes §160A-443 and Chapter 4, Article IV of the Eden City Code.

WHEREAS, on the 9th day of December, 2019, the Director of the Planning and Inspections Department examined the dwelling owned by Teresa Hill Liamani at 1220 Front Street, Eden, North Carolina and found it to be unfit for human habitation, that said property is more particularly described as follows:

Being all of Lot 11, Block 71 as shown on map designated as Sheet 3 of 3 Draper Development and recorded in the Office of the Register of Deeds of Rockingham County, N.C. in Map Book 3, page 138, and as described in a Deed recorded in Book 1545, page 2849.

The above described property being more commonly known as 1220 Front Street, Eden, North Carolina, and being further identified by the Rockingham County Tax Dept. as PIN 7090-06-37-6678-00 and Parcel ID No. 110696.

WHEREAS, on the 9th day of December, 2019, the Director caused to be issued a Complaint and Notice of Hearing for the 6th day of January, 2020, which was served on the property owner by first class mail and certified mail, return receipt requested; the certified mail was returned by the U. S. Postal Service marked "Unclaimed," and by posting a copy on the subject property on the 12th day of December, 2020; and

WHEREAS, the hearing was held on the 6th day of January, 2020, and the Director issued an Order to repair, alter, improve or vacate and demolish the dwelling located on the property; and

WHEREAS, a copy of the Order was served on the property owner by first class mail and certified mail, return receipt requested, on the 13th day of January, 2020, and by posting a copy on the subject property on the 13th day of January, 2020; and

WHEREAS, the property owner did not appeal the Order and, pursuant to Chapter 4, Section 4-89(b) of the Eden City Code, a copy of the order has been mailed to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notice; and

WHEREAS, the Owner has had a reasonable opportunity to bring the property into conformity with Chapter 4, Article IV of the Eden City Code and she has failed to take any action to comply with the Director's Order.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Eden that the Director is hereby ordered to proceed to effectuate the purpose of the Human Habitation Standards set out in Article IV of Chapter 4 of the Eden City Code with respect to the property described above by demolishing the structures located thereon.

IT IS FURTHER ORDERED that a certified copy of this Ordinance and Order shall be recorded in the Office of the Register of Deeds of Rockingham County, North Carolina, and indexed in the name of Teresa Hill Liamani in the Grantor and Grantee index.

IT IS FURTHER ORDERED that the amount of the cost of demolishing the dwelling by the Director shall be a lien against the real property upon which the cost was incurred, said lien shall be filed, have the same priority, and be collected as the lien for special assessment provided by North Carolina General Statutes Chapter 160A, Article 10.

APPROVED, ADOPTED AND EFFECTIVE, this 18th day of February, 2020.

CITY OF EDEN

BY: _____
Neville A. Hall, Mayor

ATTEST:

Deanna Hunt, City Clerk



Planning and Inspections Department

P. O. Box 70, 308 E Stadium Drive, Eden NC 27289-0070/Telephone 336-623-2110/Fax 336-623-4057

MEMO

To: Honorable Mayor and City Council
Thru: Terry Shelton, Interim City Manager
From: Kelly K. Stultz, AICP, Director
Subject: Human Habitation Standards Action/110 Dameron Street
Date: February 7, 2020

At the November 19, 2019, meeting of the Eden City Council, an Ordinance and Order to demolish the house at 110 Dameron Street was adopted.

In the memo requesting adoption of the Ordinance, the bids received were listed as follows:

Sam W. Smith, Inc.	\$ 10,000.00
Kenny Frith	\$ 2,750.00
Brad Fisher Hauling	\$ 5,200.00
Loye Grading	\$ 6,500.00

As a result, Kenny Frith was awarded the bid for the demolition of the house with the lowest bid being in the amount of \$2,750.00.

A clerical error was made in listing those bids, so staff thought it appropriate to rebid the demolition of the house at 110 Dameron Street. The five (5) bids received are as follows:

Sam W. Smith, Inc.	\$ 8,000.00
Kenny Frith	\$ 4,700.00
Brad Fisher Hauling	\$ 5,700.00
Loye Grading	\$ 7,500.00
Rabco Inc of NC	\$10,980.00

Staff recommends that Kenny Frith be awarded the bid for the demolition of the house with the lowest bid being in the amount of \$4,700.00.



Planning and Inspections Department

P. O. Box 70, 308 E Stadium Drive, Eden NC 27289-0070/Telephone 336-623-2110/Fax 336-623-4057

MEMO

To: Honorable Mayor and City Council
Thru: Terry Shelton, Interim City Manager
From: Kelly K. Stultz, AICP, Director
Subject: Human Habitation Standards Action/1503 E. Meadow Road
Date: February 7, 2020

Attached you will find a section of the Human Habitation Standards Ordinance relating to the steps to be taken when an owner fails to comply with an order to repair or demolish. Also attached is a copy of the Complaint and Notice of Hearing which sets out the violations found at the initial inspection and a copy of the Findings of Fact and Order. The City of Eden Human Habitation Standards Ordinance and the enabling legislation permit the City Council, upon adoption of an Ordinance, to order the repair or demolition of the structure. Five (5) bids were submitted to this department as follows:

Sam W. Smith, Inc.	\$ 15,000.00
Kenny Frith	\$ 6,500.00
Brad Fisher Hauling	\$ 8,500.00
Loye Grading	\$ 12,975.00
Rabco Inc of NC	\$ 10,650.00

Staff recommends that Kenny Frith be awarded the bid for the demolition of the house with the lowest bid being in the amount of \$6,500.00.

Once the demolition is done at the City's expense, actions can be taken to recoup the funds in the same manner as the collection of special assessments. Special assessments are a lien only on the property in question. That means the best remedy available to us is foreclosure. There is no guarantee that these funds can be recovered.

§ 4-90 FAILURE TO COMPLY WITH ORDER; OWNER.

(A) If the owner fails to comply with an order to repair, alter or improve the dwelling, the Director may:

(1) Cause such dwelling to be repaired, altered or improved, and pending such repairs, alterations or improvements, may order such dwelling vacated and closed.

(2) Cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor.

(B) If the owner fails to comply with an order to remove or demolish the dwelling, the Director may:

(1) Cause such dwelling to be vacated and closed, removed or demolished.

(2) Cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor.

(C) The duties of the Director set forth in subsections (A) and (B) shall not be exercised until the City Council, by ordinance, shall have ordered the Director to proceed to effectuate the purpose of this article with respect to the particular property or properties which the Director shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with this article. Such ordinances shall be recorded in the office of the Register of Deeds of Rockingham County and shall be indexed in the name of the property owner in the grantor index.

(D) The amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the Director shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided by G.S. Chapter 160A, Article 10. If the dwelling is removed or demolished by the Director, he shall sell the materials of such dwelling, and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Superior Court of Rockingham County by the Director, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. (Ord. passed 5-15-95)

COMPLAINT AND NOTICE OF HEARING BEFORE
HOUSING INSPECTOR UNDER HOUSING CODE

TO: Owners and parties in interest in the property located at 1503 E. Meadow Road including any accessory structure of the City of Eden, North Carolina.

YOU ARE HEREBY NOTIFIED that the dwelling unit and/or lot located at the address designated above is in a condition that appears to be unfit for human habitation and to violate the City of Eden Minimum Housing Code as follows:

Dilapidation, decay, unsanitary conditions or disrepair

YOU ARE FURTHER NOTIFIED that a hearing will be held before the Housing Inspector of the City of Eden at 308 East Stadium Dr. at **8:30 A.M., May 30, 2019**, for the purpose of finding the facts as to whether or not the condition of such property falls within the scope of the above mentioned sections of the Housing Code. At the hearing, you shall be entitled to offer such evidence as is relevant to material to the questions sought to be determined or the remedies to be effected.

YOU ARE FURTHER NOTIFIED that if, upon such hearing, the Housing Inspector shall find that the conditions of the above described property do in fact violate the Housing Code, and do in fact render such dwelling unit unfit for human habitation, the Housing Inspector will issue an order in writing directed to the owner of such property requiring the owner to remedy these conditions. The Housing Inspector may make such other orders and take such other procedures as are authorized under the Housing Code and the General Statutes of North Carolina.

Further information as to this matter may be obtained by contacting the undersigned at (336) 623-2110.

This the 9th day of May, 2019.



Joshua Woodall, Codes Inspector

FINDING OF FACT AND ORDER

TO: Owners and parties in interest of the property located at **1503 E. Meadow Road including any accessory structure**, City of Eden, North Carolina.

The undersigned Housing Inspector of the City of Eden pursuant to law conducted a hearing at the time and place stated in the Complaint and Notice heretofore issued and served, or at a time to which the hearing was continued with previous notice to the above-named owners and parties in interest or their agents or attorneys. At the hearing, the Answer, if any, filed by the owners and parties in interest were carefully analyzed and considered by the undersigned. In addition to other evidence presented, the undersigned personally inspected the property described above, and such inspection and examination has been considered along with the other evidence offered at this hearing.

Upon the record and all of the evidence offered and contentions made, the undersigned Housing Inspector does hereby find the following facts:

1. The above-named owners and parties in interest with respect to the property located at the place specified above were duly served as required by law with written Complaint and Notice of Hearing which set forth the Complaint that the premises located at the above address is unfit for human habitation and violation of the City Minimum Housing Code, and the particulars thereof, and fixed a time and place for a hearing upon the Complaint as provided by law. At the hearing, the following owners, persons in interest or their agents or their agents or attorneys, were present and participated therein:

NONE

2. The premises described above violate the City Minimum Housing Code, by reason of the conditions found to be present and to exist in and about the structure listed below:

Dilapidation, decay, unsanitary conditions or disrepair


3. Due to conditions, the building and or premises described above is found to be in condition within the meaning of the City Minimum Housing Code.

IT IS THEREFORE ORDERED that the owners of the property above are required to bring such property into compliance with the Minimum Housing Code by:

Repairing, altering, improving or vacating and demolishing the dilapidated structure and cleaning up the premises.

By a date not later than **August 19, 2019**.

This the 19th day of June, 2019.



Joshua Woodall, Codes Inspector

Prepared by and Return to:
Erin B. Gilley

AN ORDINANCE AND ORDER
FOR THE DEMOLITION OF
PROPERTY AT 1503 E. MEADOW ROAD,
EDEN, NORTH CAROLINA

THIS ORDINANCE is issued pursuant to the provisions of North Carolina General Statutes §160A-443 and Chapter 4, Article IV of the Eden City Code.

WHEREAS, on the 8th day of May, 2019, the Director of the Planning and Inspections Department examined the dwelling owned by Sara Morrison Dunovant at 1503 E. Meadow Road, Eden, North Carolina and found it to be unfit for human habitation, that said property is more particularly described as follows:

BEGINNING at an iron marking the northeast corner of the intersection of Meadow Road by Depot Street (Main Street) thence with the north edge of Meadow Road, North 85 deg. 0 min. E. 145.4 feet to an iron; thence continuing with the north edge of Meadow Road as it curves 48.74 feet (a total distance with the north edge of Meadow Road of 194.14 feet) to an iron marking the southwest corner of Lot No. 10, Section No. 2; thence with the west line of Lot No. 10, North 17 deg. 35 min. West and said west line extending said course 350.18 feet to an iron set on the south bank of Dry Creek; thence with the south bank of Dry Creek South 88 deg. 45 min. West 114.2 feet to an iron set at the intersection of the east line of Depot Street (Main Street) and the south bank of Dry Creek; thence with the east line of Depot Street (Main Street) South 4 deg. 21 min. East 352.01 feet to the POINT OF BEGINNING and containing 54,480 sq. ft. more or less, same being Lots 5, 6, 7, 8 and 9, Section 2, and acreage lying between said lots and Dry Creek as per map of North Draper and Meadow Road made by Clodfelder and Schisler on November 26, 1929, and supplementary survey by H. S. Pierce made January 16, 1936.

SAVE AND EXCEPT the following transfers, book 382, page 62, to Ezra Lewis Furches and wife, Anna Belle Furches, Book 419, Page 199, to Elmo Lemons and wife, Doris F. Lemons and book 480, page 114, to Ezra Lewis Furches and wife, Anno Belle Furches. Deed Reference: Book 706, page 580.

The above described property being more commonly known as 1503 E. Meadow Road, Eden, North Carolina, and being further identified by the Rockingham County Tax Dept. as PIN 7090-07-59-4232-00.

WHEREAS, on the 9th day of May, 2019, the Director caused to be issued a Complaint and Notice of Hearing for the 30th day of May, 2019, which was served on the property owner by first class mail and certified mail, return receipt requested, on the 11th day of May, 2019, and by posting on the subject property on the 13th day of May, 2019

WHEREAS, the hearing was held on the 30th day of May, 2019, and the Director subsequently issued an Order to repair, alter, improve or vacate and demolish the dwelling located on the property; and

WHEREAS, a copy of the Order was served on the property owner by posting a copy on the subject property on the 20th day of June, 2019, and by first class mail and certified mail, return receipt requested on the 21st day of June, 2019; and

WHEREAS, the Director caused a Notice of Lis Pendens to be filed in the Office of the Clerk of Superior Court for Rockingham County, North Carolina, on the 3rd day of July, 2019; and

WHEREAS, the property owner did not appeal the Order and, pursuant to Chapter 4, Section 4-89(b) of the Eden City Code, a copy of the order has been mailed to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notice; and

WHEREAS, the Owner has had a reasonable opportunity to bring the property into conformity with Chapter 4, Article IV of the Eden City Code and she has failed to take any action to comply with the Director's Order.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Eden that the Director is hereby ordered to proceed to effectuate the purpose of the Human Habitation Standards set out in Article IV of Chapter 4 of the Eden City Code with respect to the property described above by demolishing the structures located thereon.

IT IS FURTHER ORDERED that a certified copy of this Ordinance and Order shall be recorded in the Office of the Register of Deeds of Rockingham County, North Carolina, and indexed in the names of Edna F. Morrison and Sara Morrison Dunovant in the Grantor and Grantee index.

IT IS FURTHER ORDERED that the amount of the cost of demolishing the dwelling by the Director shall be a lien against the real property upon which the cost was incurred, said lien shall be filed, have the same priority, and be collected as the lien for special assessment provided by North Carolina General Statutes Chapter 160A, Article 10.

APPROVED, ADOPTED AND EFFECTIVE, this 18th day of February, 2020.

CITY OF EDEN

BY: _____
Neville A. Hall, Mayor

ATTEST:

Deanna Hunt, City Clerk



Planning and Inspections Department

308 East Stadium Drive, Eden, North Carolina 27288 Phone: (336) 623-2110 Fax: (336) 623-4057

MEMO

To: Honorable Mayor and City Council
Thru: Terry Shelton, Interim City Manager
From: Debbie Galloway
Subject: **Resolution to rename Washington Street Park**
Date: February 7, 2020

At the January 13, 2020 meeting of the Historic Preservation Commission, the Commission members approved a resolution to recommend renaming of the Washington Street Park to the “Jean Harrington Park” in honor of Mrs. Harrington. This is in recognition of her many years of service to the community as a member of the Historic Preservation Commission (since its inception), a member of the Leaksville Merchants Association, and the Eden Historic Preservation Society. Mrs. Harrington led the charge to have Eden named a Main Street Community, donated one of her buildings to house the Eden Historical Museum, and has worked tirelessly in many areas of the community, particularly those associated with historic preservation, to preserve our history and see Eden grow and prosper. Mrs. Harrington contributed both time and money to realize the construction of the park. Therefore, the Commission recommends the naming of the park in her honor as a fitting tribute for her service to the community.

Please do not hesitate to contact me if you have questions.



**A RESOLUTION OF SUPPORT FOR RENAMING THE WASHINGTON STREET
PARK IN HONOR OF JEAN HARRINGTON**

WHEREAS, the Washington Street Park was constructed in 2003-2004 in the Olde Leaksville downtown district; and

WHEREAS, the park is a significant part of this historic downtown area; and

WHEREAS, Jean Harrington was a driving force in the realization of the City of Eden becoming a Main Street Community; and

WHEREAS, Jean Harrington was also a driving force in the construction of the park; and

WHEREAS, Jean Harrington has worked tirelessly to assist in development efforts in the downtown Leaksville area, contributing both her time and financial support; and

WHEREAS, Jean Harrington has served on the Historic Preservation Commission since its inception in the 1980's, as well as on the Eden Preservation Society, and the Eden Downtown Development Corporation; and

WHEREAS, the Washington Street Park was not formally named at the time of construction;

NOW THEREFORE, BE IT RESOLVED, that the Historic Preservation Commission of the City of Eden recommends that the Eden City Council rename the Washington Street Park as Jean Harrington Park, in honor of Jean Harrington's tireless efforts and service to the community.

Dated this 13th day of January, 2020

Blanche Hailey, Chair

Attest, Debbie Galloway, Planner



City Manager's Report February 2020

Interim City Manager Terry A. Shelton

Administration

New addition: City Hall's Administration Department is pleased to welcome a familiar employee to our office – Blair Barker is transferring Feb. 18 from Finance to serve as an administrative assistant alongside the City Manager, Attorney and Clerk. Ms. Barker has nearly 12 years of dedicated experience working for the City. She is filling the position left vacant after Jennifer Woods took a position in December as Clerk to the Rockingham County Board of Commissioners.

Economic Development

Industry

Gildan Yarns: Gildan is seeking machine electricians, spinning and carding technicians, spinning and carding operators, and can haulers. There are some day shift positions, but the majority of these openings are on the night shift. Most positions are for 12-hour shifts on a 2-2-3 schedule. For more information, visit their 335 Summit Road facility.

Industrial/Commercial projects: Both the City and County economic development departments are finalizing two projects that should be announced by March. One is an innovative industrial process and the other a fabrication company.

Southern Virginia Mega Site at Berry Hill: The water line project is progressing quickly with the expected completion date to be closer to March than the original August date. Travelers can see the fire hydrants along Berry Hill Road to the Virginia state line. Our Virginia neighbors have extended the line from there to the park itself. This is another element in making the park more marketable to potential users.

Commercial

Family Dental Associates: The City will honor Dr. Michael Burleson and his staff for their more than 40 years in business at the March City Council meeting. Dr. Burleson started this practice with two additional dentists, Jim Eggleston retiring a few years ago.

Gordman's Department Store: All 45 new Gordman's stores will open concurrently at 9 a.m. on April 7. The new Eden Gordman's will be located in the former Peeble's location in Kingsway Plaza next to Dollar Tree.

Lidl building: Atlantic Retail of Charlotte has been contracted to market the facility. This company specializes in retail recruitment and is actively working on potential tenants. The City and broker have been working together on a national tenant that would be a good fit for this space.

News & Record/Rockingham Now: In early February, Berkshire Hathaway, owner of the Greensboro News & Record and Rockingham Now, announced it will sell its newspaper holdings to Lee Enterprises for \$140 million. In addition to the Greensboro and Rockingham County newspapers, BH Media owns newspapers in Hickory, Statesville, Morganton and McDowell County. It also owns 10 daily papers in Virginia, including the papers in Danville, Martinsville, Roanoke, Lynchburg, Charlottesville and Richmond.

The Clock Doc: Owner Kevin Webb has spent 25 years as a horologist. He has been both a watch master and clock smith since 1993. They offer new product sales and service of both clocks and watches. They are located at 350 W. King's Highway and can be reached at 336-627-3750.

Main Street

Boulevard Merchants Association: Merchants met to discuss how they can work together to promote retail and service-based business together. As The Boulevard continues to thrive, a need for more formal meetings has grown. A second February meeting is planned on the 17th. The merchants will affix the BLVD logo from the Positively Eden branding study to the street's planters.

Duke Energy Water Resources Grant: Both Klyce Street and Draper landings held fast from the flooding that occurred over the February 7 weekend rains. Draper Landing was completely to the roof of the kiosk. At Klyce Street, the entire parking lot and landing ramp was flooded, but the unique design of the stairwell allowed the tops of the hand rails to stay visible.

Eden Downtown Development Inc.: Rhonda and David Price of David Price Auto Works were formally announced as Eden's 2020 Main Street Champions. They will be honored at a ceremony at the closing of the N.C. Main Street Conference in New Bern this March; A **citywide yard sale** is planned for May 2 in conjunction with the Eden Boys and Girls Club.

Leaksville Commercial District: The Danceware Boutique at 640 Washington St. was awarded a Building Rehabilitation Grant for renovations. The building has new HVAC, bathrooms, flooring and electrical work. Its facade is currently being painted. A new business is coming to **615 Washington Street**. 615 was the former home to Tommy's Barber Shop. It will now house boutique clothing and international home décor. **1405 Highway 770** will be the new location of The Blissful Palette Catering and Events. The new business plans to open in February. **The Leaksville Merchant Association** met February 11- event planning for 2020 and future leadership was addressed.

Main Street Program: The N.C. Main Street Center is recommending to the National Main Street Center that Eden Downtown Development again be a 2020 nationally accredited Main Street program.

Tourism & Special Events

HGTV Submission: Eden is in the running to win the HGTV Home Town Takeover Contest! We submitted our application and video and have our fingers crossed! A huge thank you to everyone who played a part in this heartfelt community effort. A special thank you to Chase Nappier of CTT Productions for producing our video. We could not have done it without you! You can watch the video on our Explore Eden or City of Eden Facebook pages.

Otter Habitat: Work will begin soon on this project to be located near the Island Ford Landing at the Smith River Greenway. A Duke Energy grant will fund almost all of this project costs. Both the City of Eden and

Dan River Basin Association are working together on the project to provide shelter for the otters who traverse the Smith River.

Shaggin' on Fieldcrest: We have booked the CAT 5 BAND for our July 25 Shaggin' on Fieldcrest!!! Make sure you mark your calendars!

Showcase Magazine: Showcase Magazine out of Danville, Va., is dedicating its March issue to EDEN! Make sure you pick up a copy.

Trails: Recent rainfall has caused significant damage to Eden riverside trails. For the safety of all residents, the City of Eden asks that citizens do not walk on these trails until repairs can be made. Your cooperation with this request is appreciated. Thank you.

Information Technology

Wuhan Coronavirus scams: The Federal Trade Commission has issued the following alert concerning scams surrounding the Wuhan Coronavirus:

“Scammers are taking advantage of fears surrounding the Coronavirus. They’re setting up websites to sell bogus products, and using fake emails, texts, and social media posts as a ruse to take your money and get your personal information. The emails and posts may be promoting awareness and prevention tips, and fake information about cases in your neighborhood. They also may be asking you to donate to victims, offering advice on unproven treatments, or contain malicious email attachments.

Here are some tips to help you keep the scammers at bay:

- Don't click on links from sources you don't know. It could download a virus onto your computer or device. Make sure the anti-malware and anti-virus software on your computer is up to date.
- Watch for emails claiming to be from the Centers for Disease Control and Prevention (CDC) or experts saying that have information about the virus. For the most up-to-date information about the Coronavirus, visit the Centers for Disease Control and Prevention (CDC) and the World Health Organization (WHO).
- Ignore online offers for vaccinations. If you see ads touting prevention, treatment, or cure claims for the Coronavirus, ask yourself: if there's been a medical breakthrough, would you be hearing about it for the first time through an ad or sales pitch?
- Do your homework when it comes to donations. Don't let anyone rush you into making a donation. If someone wants donations in cash, by gift card, or by wiring money, don't do it.
- Be alert to “investment opportunities.” The U.S. Securities and Exchange Commission (SEC) is warning people about online promotions, including on social media, claiming that the products or services of publicly-traded companies can prevent, detect, or cure coronavirus and that the stock of these companies will dramatically increase in value as a result.

If you come across any suspicious claims, report them to the FTC at [ftc.gov/complaint](https://www.ftc.gov/complaint).”

Planning & Inspections

CDBG: The grant agreement and other documents have been received for signatures. The consultant has been contacted regarding moving forward with the grant. There are some conditions that have to be released before we can expend funds.

Code Enforcement: 35 notices were mailed that affect the following number of properties - 5 for violation of the Minimum Housing Code, 2 for violation of the Non-Residential Building Maintenance Standards, 3 for disabled vehicles, 4 for junk storage and 4 for zoning violations. The violations of the Non-Residential Building Maintenance Standards include the space occupied by Yono's at 700 S. Van Buren Road and the "Covered Mall Building" at 201 E. Meadow Road. The "Covered Mall Building" is for the common area and small rental spaces. It does not include the anchor stores of the former Belk building, former Peebles building and former K-Mart building. A hearing for the mall property is scheduled for February 20 at 8:30 a.m. The space occupied by Yono's is currently being repaired by the property owner.

GIS: The City's account representative with ESRI has been contacted about enhancing the City's GIS capabilities including making the data available to the majority of the City staff. An appointment for a demonstration of the applications available has been scheduled for February 21.

Historic Preservation Commission: The Commission met on January 13 and adopted a resolution to present to City Council recommending that the Washington Street Park be renamed Jean Harrington Park in her honor.

Inspections projects of note: **Zip's Carwash** is underway and the site utilities are almost completed. **KFC** is now in the trim out stage and should be finished by the end of February. The **former Kmart building** upfit is underway. **Osborne Baptist Church** has submitted plans for an 8,500 square foot classroom addition.

Pedestrian Planning Grant: Approval of the grant documents will be on the February regular agenda.

Stadium Drive sidewalk: Surveying on the project should begin in the next two weeks.

Unified Development Ordinance: We held 6 stakeholder meetings. They were extremely successful. Information received will be posted on our website. The Steering Committee (aka the Planning Board) met on February 3. They received training on the process ahead and also served as a stakeholder group by offering their issues with our regulations and suggestions for changes. On February 10, we held a community meeting held in the Eden Room. Notice of the meeting was published, on the City Hall sign and our website.

Urgent Repair Grant: This grant application was submitted last week.

Vacant Commercial Property Registration: Second letters were sent to vacant downtown property owners who did not respond to first letter. Several property owners have responded.

Police

Anti-Litter campaign: The Eden Police Department continues to post a public service announcement on our Facebook page asking citizens to stand against litter as part of the countywide campaign to aggressively enforce littering and illegal dumping violations. We will continue to replay the announcement each month and aggressively enforce littering and illegal dumping statutes.

Facebook: We encourage citizens to follow our Facebook page for updates and information concerning our community, as well as Crimestoppers, to provide anonymous information concerning illegal activity to keep our community safe. We all have to work together to keep our community safe.

K-9: As a result of K-9 Sadie retiring after nine years of service, the department has selected Saga, from Highland K-9, as the replacement. Officer Eric Gann has been selected to be the next K-9 handler. We should be completing this process over the next several months. The four-week handler school is tentatively set in April.

Sweepstakes establishments in the City: The department delivered letters to each sweepstakes establishment in the City on Feb. 3. The letter advised establishment owners that on and after March 4, the department, in conjunction with NCALE, would begin to enforce statutes related to sweepstakes/casinos operating in the City. This letter was also delivered by each agency in Rockingham County in their respective jurisdictions in a joint operation to gain compliance in sweepstakes establishments.

Public Utilities

Water Quality Report: The City's Water Filtration Plant has released their 2019 Water Quality Report, detailing specific information pertaining to the quality of drinking water that it provides to its customers. As part of a U.S. Environmental Protection Agency mandate, water utilities across the country produce annual reports that are designed to educate and inform consumers. This report is an opportunity for the public to understand what is involved with making the water safe. You can find it on the City's homepage under Latest News (edennc.us) or pick up a printed copy in the Billing and Collections Department at City Hall, 308 E. Stadium Drive.

CITY OF EDEN, N.C.

A special meeting of the City Council, City of Eden, was held on Thursday, January 9, 2020 at 6:30 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meeting were as follows:

Mayor:	Neville Hall
Council Members:	Darryl Carter
	Gerald Ellis
	Jerry Epps
	Angela Hampton
	Phillip Hunnicutt
	Bernie Moore
	Bruce Nooe
Interim City Manager:	Terry Shelton
City Clerk:	Deanna Hunt
City Attorney:	Erin Gilley
News Media:	Roy Sawyers, Rockingham Update

MEETING CONVENED:

Mayor Hall called the special meeting of the Eden City Council to order and welcomed those in attendance. Council Member Epps gave an invocation followed by the Pledge of Allegiance led by Deputy Police Chief Clint Simpson.

SET MEETING AGENDA:

Mayor Hall noted one item needed to be added to the end of the agenda because Council had determined in good faith that it was essential to discuss and act on the item immediately: Agenda Item 8 - consideration of a resolution for a Building Reuse Grant Application.

A motion was made by Council Member Epps to set the agenda. Council Member Moore seconded the motion. All members voted in favor of the motion. The motion carried.

Consideration of a presentation regarding the Unified Development Ordinance by design, engineering and planning firm Stewart.

Mayor Hall called on Planning and Inspections Director Kelly Stultz.

Ms. Stultz introduced Chad Sary, of Stewart, Inc., who gave a presentation.

Mr. Sary began by providing information about the firm and the process they would be going through over the next 12 months. Their main office was in Raleigh but they also have offices in Durham, Charlotte, Wilmington and Columbia, S.C. They started out as a structural engineering group 26 years ago and now have grown to eight practice areas. He specifically worked in municipal planning and mobility. The firm served local governments all across the state and focused on small- to mid-sized communities. Their planning services include land use and development ordinance writing, which was why he was there today. He added that the firm recently was pleased to partner with the N.C. League of Municipalities.

He explained that in NCGS 160A-381(a): “For the purpose of promoting health, safety, morals, or the general welfare of the community, any city may adopt zoning and development regulation ordinances. These ordinances may be adopted as part of a unified development ordinance (UDO) or as a separate ordinance.” He explained that currently, the City has their development ordinances separate. Eden has a zoning ordinance, a subdivision ordinance, watershed, flood, etc. They have all of these ordinances that are spread out and are looking to integrate those into one document. It reduces inconsistencies and redundancies and it provides implementation of goals and recommendations of comprehensive land use plans.

For the project schedule, he explained that the work program would be divided into five phases. Phase 1: Project Initiation (January 2020). This phase allowed the firm to get to know the community and spend some time in the land use regulation documents to understand what the regulations are. They also have stakeholder interviews coming up to hear from the community. Phase 2: Code Assessment and UDO Framework (February – March 2020). This would be an assessment with a very objective viewpoint of the City’s strengths and weaknesses on their development ordinances and it would also set up that framework that the UDO was going to look like. Phase 3: UDO Preparation and Composition (March – October 2020). He explained that this was the bulk and when they will deliver the new UDO, a lot of it was reorganized with a lot of existing things that they have now brought together. Phase 4: Adoption (October – November 2020). With this phase, they will move into the adoption phase where the Planning Board will make a recommendation and it would ultimately come back to the City Council for adoption. Phase 5: Implementation and Training (November – December 2020). This may include some new processes or training that might come out of this. They would provide that training to the Planning Board and Board of Adjustment as well as the City Council.

Mr. Sary explained that one of the parts of the process was public engagement and transparency. These are critically important steps for any land use or planning documents. On January 27, City staff will identify those stakeholders in the community that they want to listen to and learn what their thoughts are. They would like to have people from the development community, technical community, elected and appointed officials, neighborhood community, economic development and people who really use this document or are familiar with it. There would be a Steering Committee, they had talked about using the Planning Board, to shepherd this process as they go through it. They will use the City website for updates to give the opportunity for citizens and interested folks to inquire and see the process. There would be two open house workshops that would be informal and allow people to see the process and learn about it. There will be one in the early stages and one towards the end. There would be public meetings and public hearings that they would have with the Planning Board and then the City Council.

He reiterated that overall there was a general reorganization and consolidation of existing documents, incorporating recommendations from the City’s Comprehensive Land Use Plans, and they want to make sure it was reflective of current general statutes. In January 2021, new legislation was coming from the General Assembly deciding that the counties and cities had too many different things as far as land use and zoning goes and they want to combine it into one. They would be working to make sure the City followed that. They would review zoning districts and look at some best practices. There would be an approach to development standards, a modernized table of permitted uses, and ultimately the end goal was to have a more user-friendly document. These documents get very thick and long so they want to include graphics, charts and illustrations so they were easier to understand. This would help with inconsistencies, redundancies and unnecessary cross-references that are in the code.

Mr. Sary presented an example of the final product which included graphics. The two things that most people want to get out of a zoning ordinance are answers about putting something somewhere and if they placed it there, what their setbacks would be. In the City’s current code, someone may have to flip through several sections which may be conflicting in another part so one of the things they want to do is incorporate a table of permitted uses with a chart to make it easier for the average citizen to come in and

see how their property is zoned and what their setbacks are. It was incredibly important to have graphics as part of the UDO to cut down on the text. He said the first public workshop would be February 10 at City Hall.

Council Member Hunnicutt pointed out the county was doing the same thing right now and he questioned how the two would be connected or even if they would need to be.

Ms. Stultz explained that she had discussed this with County Planning Director Carrie Spencer, as they were all going through this same process. She hoped that as much as possible, what something was in Eden would be the same in the county to avoid confusion because their development committee works in both jurisdictions. She added that it was a perfect for them to be doing this at the same time.

Council Member Hunnicutt said he agreed and that was what he was trying to understand, if part of her process was engaging with the county and their team relative to areas of common interest. He thought there needed to be some connectivity.

Ms. Stultz replied that they were and Ms. Spencer has included her in some meetings already.

Council Member Nooe added that Eden was fairly well represented on the committee working on that process. He was on the committee helping with that.

Ms. Stultz also added that the county's needs and the City's needs were not always going to be parallel but when they are they need to make sure they try to make it as seamless as possible.

Council Member Carter asked if it would be included in the ETJ.

Ms. Stultz replied that some of it would be included in the UDO. She explained that because they were more urban, even their ETJ was more urban than the rest of the county, it would be a little different than what the county zoning would be.

Mayor Hall stated that from time to time they may find a conflict in a ruling that they made or past councils made as opposed to something that was originally in the document. When they were dealing with a relic like the City's zoning ordinance, there was a good chance they would find some issues. If that was the case, he asked if they had to bring those to Council or if they would do it all at the end.

Ms. Stultz explained that hopefully they can get the Council all familiar and ready with sections of it as they go. It would be an ultimate adoption and if they adopt it in November, it would not be effective until January 1 because the statutes do not change until then.

Mr. Sary added that one point of the UDO would be the initial introduction part or administrative part or whatever it will be called, and in that they would mention how the other ordinances were being replaced by this.

Mayor Hall said that did not require a vote, just the final product.

Mr. Sary replied yes.

As there were no other questions, Mayor Hall thanked Mr. Sary for the presentation.

Consideration of an updated report on the progress and costs of the EPA Administration Order of Consent and consideration of an updated report on the progress and costs of change order #1 for the Southern Virginia Megasite waterline project.

Mayor Hall called on Interim City Manager Terry Shelton.

Mr. Shelton explained that he wanted to give Council an update on the Southern Virginia (SoVA) waterline that goes to the Megasite and also the EPA Remediation Plan. The two projects were very separate and different but they are closely linked because of the cost and available funding coming basically from the same source. The current waterline project was moving well ahead of schedule and could likely be completed before July 1. The current project was bid to encompass the construction of a transmission line from the city limits to the Virginia-North Carolina state line. That project was bid and came in at a favorable price, about \$1.5 million under the engineer's estimate, so that made it close to \$2 million under the budget number they were working with. Going back to the cancelation of the Southern Electric Project in 2016, originally they had two projects, one in town and the other out of town, to build a 30-inch transmission line to the state line that would have provided up to 10 million gallons of water per day (MGD). The Southern Electric Project that was withdrawn was to have used 2 million gallons constantly and would have peaked at 4 million. The original project was scaled back due to a reduction in water demand from up to 10 MGD to projected 5 to 6 MGD. The new project would address the reduced water demand for a 20-inch waterline from the city limits to the state line. He pointed out that this 20-inch waterline was about 70 percent complete.

Mr. Shelton explained that one of the considerations that has come up was that they have \$4.886 million of financing available which was grant money. If they do the project as it stands right now, the contractor's bid for the new project came in at \$4,777,183 and that becomes an issue because if the grant money that they receive from the State of North Carolina was \$1,886,400 and they do not spend at least a certain amount of money, then they would lose about \$1 million because it was awarded based on what the original forecast cost was going to be. They had approached the contractor to get a cost estimate for a change order to start building at the city limits and start coming back toward the Freedom Park tank. He explained that the original waterline project was designed to provide the waterline to the state line, but also it was designed to reinforce the backbone of the existing waterlines in the Draper area from the Freedom Park tank to the city limits on Highway 311/770. At some point they would have to build a reinforcement line going down and joining the 20-inch line with a 16-inch line to reinforce how much water they could send that way. Currently with the benefit of the grant money they could possibly not get, if they spend money now and bring that line further up toward the Freedom Park tank, it was kind of like you spend a little and you get a lot more out of it so they were looking at doing that.

Currently, they actually have \$10.5 million worth of funding available in grants and loans from the economic development agency of the federal government, and \$1 million in grant money from legislative action of the state, as well as the \$1.886 million from the Division of Water Infrastructure. In addition to that, they have the remainder making up to \$10.5 million as zero interest loan money and also low interest loan money. The zero interest is used first and once it was exhausted it would go to a loan that has a cap on it of 1.53 percent interest. It was still very reasonable money but with all of that being said, they have \$1.25 million worth of debt service that will retire on previous water and sewer loans they have outstanding right now. Those would retire in 2022 and would free up that amount of debt service. They will have about \$750,000 of debt service committed to the \$15 million zero interest loan from Connect NC Funding for the EPA Administrative Order of Consent (AOC) Remediation projects. This would leave \$500,000 of available debt service funding for either the SoVA waterline or the EPA Remediation or part to both projects. He thought they should probably accept the change order and begin building the waterline up toward the Freedom Park tank. The contractor was willing to allow them to build it as much as they want to put money into it. He explained that was where the debt service part of it comes in. He recommended that they not use more than half of the \$500,000 on the waterline and save \$250,000 for the EPA projects, but that would be at Council's discretion.

The other piece he was looking at was the waterline, hopefully when industry comes in down there, it would become a source of revenue. That would help pay back on this project as well as other projects as they go forward. The waterline that would be built coming up through the Draper area would also be tied into existing waterlines to service the neighborhood and various areas in Draper so that it reinforces the main lines that go down through Fieldcrest Road and Stadium Drive.

Council Member Ellis questioned that it if reinforced them to which Mr. Shelton replied that it would contribute to reinforcing the pressure in those areas as well as water quality.

Council Member Ellis asked if it would take away the odor in the one area.

Mr. Shelton replied that was on the sewer side and part of that issue will go away if they start getting sewer coming back from the Megasite as they would start turning over the water that was in that line. He said basically on the SoVA waterline, for each \$1 million in loan funding they assume, the debt service will be about \$54,000 per year for 20 years so if they committed \$250,000 of their debt service money that would be available to this project, they could probably do about \$4.5 million worth of work as far as bringing that line up toward Freedom Park. Once it was brought it up as far as they are willing to spend money on it then it leaves that much less that they would have to install at a later date when revenues were more readily available to finish out that backbone reinforcement line. Currently, to spend about \$2.65 million, he thought that would make them eligible to receive all of the grant money that was available. He thought that would make the greatest utilization and the debt service that would use would be about \$143,600 a year. That would still leave roughly about \$100,000 available if they wanted to commit it to bringing the waterline further up toward Freedom Park. All of this was still fluid and changing because the EPA projects they received bids on in November came out at a really high amount of money. Construction was booming right now and contractors have all the work that they want and they pretty much just pitch a number out and if people accept it they are really happy with it and if they don't then they still have the work that they have, so it was not a good bid environment at all.

Originally the EPA projects were set up once Connect NC bond money became available and the City was eligible to apply for \$31.666 million. We were fortunate that it was awarded to us and the City had to provide a \$2 million match which brought it up to a total of \$33,666,666. They set their remediation plan schedule in such a way that they had about \$28.5 million worth of work and they had at least a 10 percent contingency. They felt they were in pretty good shape with that and then they got the total amount of \$48,900,000 once all the bids came in November. This revelation led work on making critical decisions as to how they would still comply with their EPA AOC going forward. The deadline was still April 2022 to complete the work.

He noted that the following measures were implemented:

1. Redesigning the projects to bare bones as possible and still stop the sanitary sewer overflows (SSOs) and achieve compliance.
2. Sought additional funding without success thus far.
3. Looked at projects that could be delayed to a later date that are not critical to stopping SSOs at this moment and their need to be compliant with the EPA order.
4. Looking at additional funding that will be offered late this spring for what is called resiliency funding to stop SSOs due to storm-related events such as recent hurricanes.
5. Looking into the possibility of having the EPA transfer the AOC's oversight of our compliance to stop SSOs to the N.C. Division of Environmental Quality in order to extend our time to complete less critical projects within the next five or more years.

Mr. Shelton explained that originally before the Connect NC bond money became available, the City employed Raftelis to do financial studies, creating water rates to support the EPA Remediation the City would need to do. The City actually had a schedule to comply within a 20-year period and once the Connect NC Bond money became available, the thought was the City would be able to get enough money to do all of that work in a five-year period. He stated that on Monday, the City presented to the regional office in Winston-Salem the plan of transferring oversight to the state and they were amenable to working with the City any way they could as long as the EPA was on board. The EPA representative had phoned him that day and told him they were not sure exactly what steps would have to be taken to terminate the existing EPA order because it was a legal document and he was not sure they have ever terminated one early. The staff overseeing it from Atlanta will be meeting next Tuesday to consider it and see what might be possible. If they do decide that there is some way to move the oversight to N.C. DENR, the only step left with the regional offices on board would be to get DENR in Raleigh to approve it and that can probably happen pretty easily. The state did seem amenable to moving the time schedule out at least five years, maybe 10 to 15, which would give the City time to seek more funding.

The SoVA waterline comes into this as the funding is going to be questionable in trying to figure out how to finance some of the things not included in the current funding. Pushing some of these projects back on a schedule was going to become debt service that would have to be faced in the future. He hoped what would happen would be either industry coming into the interior of the City that would provide water and sewer revenue or else the waterline and sewer that they have going into the Megasite would be able to yield revenue and help avoid any future water rate increases to finance this going along in three to seven years. One thing they do not have was the retiring of other debts between 2022 and 2031 and there were no loans in water and sewer that will mature and yield any debt service. In 2031, there was just a fairly small amount which was probably a few hundred thousand that would become freed up so they would have about a nine-year stretch where it would have to finance any new projects on either the revenue increases as they were going along or water rate increases to help pay that debt service.

Council Member Moore asked when the EPA was meeting to which Mr. Shelton replied that they would meet next Tuesday but he did not know when he would hear back from them; however, he thought it was favorable that they were willing to consider it.

Council Member Moore thought the City putting forth the effort should say something.

Mr. Shelton thought that would be taken into consideration. He had to send them some additional information yesterday. One of the things the City would be graded on for how they were doing was the number of overflows per hundred miles of line in the ground. During the last 12 months, the City has had 14 and they have 161 miles of pipe in the ground so he did not know how their grading criteria runs but he felt like they were decent numbers. The person who handled the City's account thought that would be important in what they consider doing. He hoped that they perceive this as being favorable and that they were willing to discuss it further.

Council Member Hunnicutt asked in terms of next steps if Mr. Shelton and Finance would basically put forth a recommendation for the Council. He asked when Council should anticipate recommendations as to how to get this done.

Mr. Shelton stated that most of it will hinge on what the EPA tells them. If the EPA says they have to get it done in two years, he did not think there was any conceivable way possible the City could stay on schedule and complete it. They have gone through and pared down these projects to the point that they were somewhere around \$35 million right now in projects considered critical to achieving compliance. They had taken out quite a few things figuring that they would push them back in the schedule to a later date, maybe five years out. The Smith River siphon needed replacing due to wear but they could do some

repair work on it and probably push it along for another five to 10 or maybe 15 years, and that was just that project. It was about \$880,000 for the structure and then bypassing while it was being constructed would probably be another \$500,000 or so. There was significance in that but right now it was not critical to whether there were overflows or not. It was a potential source but it was compliant right now as far as the way it was operating. Once they were more in focus with the balance sheets of what the numbers were going to look like, they would share that with Council so they would know what money they have coming in and what they need to be spending and what the needs were at this point. He did not put spreadsheets or anything in this presentation because it was so fluid right now with what they may or may not need to do. As they move along, he thought it would come more into focus as to what they need to do.

Council Member Hunnicutt asked if he was correctly saying that they were about \$14 million underfunded to which Mr. Shelton replied that it was probably closer to \$10 million and if they would let them spread it over time it would make it much easier to work with those numbers.

Council Member Nooe asked if Mr. Shelton had a map of all the projects that had been completed, the ones that were critical and the ones that can be put off.

Mr. Shelton said one could be produced. Currently, there were eight separate and distinct contracts in what they cover and they hoped they have about three or four of them ready to bid out probably in the next 60 days. He would like to get that stuff started so they would be in good shape before April 2022. To give them one example of how high the numbers were, the Junction and Bridge Street Pump Stations were originally in the engineering costs to be completely rehabbed at about \$5 million. The contractor's bids on them were \$12 million.

Council Member Nooe asked if Mr. Shelton had looked at other options of installation. Council Member Nooe had spoken with Keith Duncan and he may be willing to supervise. He added that he did not know if the City would have a crew or if they could look at other options to get the cost per foot down, where the City could hire competent people to do some of their own installations.

Mr. Shelton replied that some of the projects they have already decided they would do in-house. As far as these pump stations, one contractor was willing to work with them and just replace exactly what was there in kind rather than making improvements in them and that contractor talked like he could do it for about \$4 million or so which would help greatly in getting the City back on track.

Council Member Moore asked if that would that still be in compliance to which Mr. Shelton explained that it would but it was just not the ideal situation hoped for. Mr. Shelton explained that the existing pump stations have worked for about 53 years as they are so the design will work, there were just issues with OSHA compliance and they were going to make some improvements in it that would make them more serviceable for the maintenance crews. If they can get them rehabbed for \$4 million he would say do it and hopefully get another 30, 40 or 50 years out of them.

Mayor Hall said basically what happened was when the EPA came in and told them they needed to do these repairs and get in compliance, the City had engineers and cost estimates of everything it would take to do it. It made sense at the time while the equipment was here with employees, and the ground open or the piece of bridge torn down, to put back something to last a long time. It has taken two or three years to get to these points and in the meantime, prices have gone up from \$5 million to \$12 million on one piece. The decision has to be made now as they were basically just going back and putting a bandage on things that have to be fixed to meet compliance. He knew employees repaired the culvert and it took a long time. That was probably going to be restrictive on them because of the timeline. They would not know until they hear from the EPA if there would be an extended timeline. If so, they have the option to use more

City employees. Currently, there are two years to do it and they would have to hire a bunch of people which probably would be cost prohibitive as opposed to having a bid for it.

He explained that the reason they were talking about this tonight was because of the \$500,000 they have available in debt service. The question was whether they borrow enough money that that \$500,00 could be used to go all on the sewer line, for the EPA work, or do they use part of it to extend the waterline that they were going to want to do in the future. He pointed out that if they did not extend the waterline to the point that they spend the \$7.5 million that was budgeted, they were walking away from about \$1.8 million worth of grant money. They did not want to leave that grant money on the table because they were going to be doing that project at some point. He thought the difference in that, however much that cost them in debt service, the rest of that he would love to see go towards the sewer stuff. He thought that was what Mr. Shelton was asking them, for some direction on what to do with that \$500,000. Mr. Shelton had worked in the utilities for 40 years and Mayor Hall would love to have his recommendation. They had talked earlier this week and agreed that they want to try to use some of it on both projects.

Mr. Shelton replied that would be his preference. He would love to be able to finish that waterline all the way up to the tank but he was not sure at this point if they need to obligate all of that debt service to one project. The other piece of it was the waterline has the potential to bring revenue to them. What money they spend on the sewer lines was just replacements and there would not be any new revenue generated because of their sewer repairs. It only gets them compliant. If it was his money and he was spending it out of his pocket right now he would commit \$200,000 to the waterline and bring it up as far as they could and then hold the \$300,000 in reserve for dealing with the sewer at this point.

Council Member Epps agreed and said that was good policy.

Mayor Hall stated that if the EPA does release the City to the state, there was no guarantee they would extend the time but when they talked with them back in 2016 it appeared that would be less time pressed. If that happens, they would know before their January (regular) meeting so if he wanted to update them on that after they have given him the results then they would know they could be put under North Carolina and he thought that would also impact where they would rather spend the debt service.

Mr. Shelton added that tonight his purpose was just to be able to tell them where they stand on this so that nobody gets surprised later on depending on how this will eventually work out.

Council Member Epps commended them on what they have done so far. Council tried to keep water rates down and by the grants and work that has been done in-house, it had saved Council from having to go to their citizens so far.

Council Member Carter asked if another line would be required to boost the supply and demand to the Megasite after the waterline was downsized to a 20-inch line.

Mr. Shelton replied that if it really builds out and they get to a point that they want more than 6 MGD, the City would probably go back and put a 16 inch or something parallel to what they were putting in now to supply the additional. At that point, hopefully there was enough revenue being generated that it would make it easier to do.

Council Member Hunnicutt asked how much the City was saving by dropping the size of the waterline.

Mayor Hall stated that it was several million dollars.

Mr. Shelton explained that for the original to go from the in-town out-of-town portions, it was a two-piece project, and was right around \$18 million. Right now, they have an opportunity to probably put it in the ground for \$10.5 million. That would be 20 inch up to the city limits and a 16 inch the rest of the way.

Mayor Hall pointed out that the Danville people assured them 20 inch was all they would need at this point. There were some grants they were concerned about losing because they had applied for them with a 30-inch line. Mr. Shelton went back to them and they funded the grant at 20 inch for the same amount. They have a fraction of what it actually cost coming from the taxpayers.

Council Member Hunnicutt stated that he understood that the monies they were talking about to extend this backbone was time sensitive and asked if it was to be spent only on the waterline.

Mayor Hall explained that in order to get the grant, and the time sensitivity he assumed that it was while they were there doing it, this was what the contractor would give the City the price at.

Council Member Hunnicutt stated so there was a time issue relative to the fact that he was already on site.

Mr. Shelton added they have made a couple of trips to Raleigh to ask for the funding. They had originally approved about \$9.5 million and then the City concluded they were going to need about \$7,025,000 to do it from the city limits to the state line. When that bid came in so low, they did not want to lose any grant money so they went back and asked to do the in-town portion of that line and they were receptive to that idea and willing to continue the funding. It was probably about as good of a deal as you would get as most of the money that was in loan form was zero percent interest.

Consideration of engaging Developmental Associates, LLC, in the search for a new city manager.

Mayor Hall called on Mr. Shelton.

Mr. Shelton explained that he and Mayor Hall had several conversations with Reidsville Mayor Jay Donecker and City Manager Preston Mitchell. Both suggested the City strongly consider using a professional service to find the next city manager and Developmental Associates is the company they recommended. After talking with League of Municipalities Personnel Specialist Hartwell Wright in the initial stages of starting a search for a city manager, he was convinced that they could handle this job in-house. He believed that they could save money doing it themselves and get a good city manager with guidance from the information that Mr. Wright gave them, but he was no longer convinced they could get the great city manager that Eden needs with the conventional resources they have for the selection process. One of the things about this company's process that impressed him most was the fact that a city manager (Mr. Mitchell) that went through the process as a candidate has nothing but praise for the process and describes it as great experience. These comments reflect his opinion as an employee who was hired. In a conversation with Mayor Donecker, he has nothing but praise for the process as well. His comments reflect his opinion as a member of the Council and the employer of this city manager. He found it most encouraging that there was a positive outcome for the employer and the employee from this company assisting the Council in the hiring process.

Mr. Shelton stated that he now believed that the Council should strongly reconsider how they would go about the search for the new manager. In discussions with Dr. Stephen Straus, a principal in Developmental Associates, Dr. Straus points out a number of things that are flawed with the common interview process they have typically undertaken, especially for a position with the magnitude of city

manager. He points out that the common interview is incapable of providing the opportunity to directly observe more critical managerial competencies, such as leadership, interpersonal presentation writing supervisory and community meeting facilitation skills.

In the past four years, Developmental Associates has partnered with these municipalities to hire their managers: Wake Forest, Burlington, Morrisville, High Point, Clayton, Concord, Holly Springs, Chapel Hill, Mills River, Rutherfordton, Rolesville, Angier, Wendell, Zebulon, Reidsville and currently in process with Waxhaw, all in North Carolina, as well as Williamsburg, Va., and Statesboro, Ga. They also assisted Apex, Greensboro, Charlotte, Southern Pines, Garner, Wilmington and Morrisville with searches for assistant city managers. During the past eight years, this company has partnered with clients to fill over 150 executive positions. Developmental Associates is not a traditional headhunting company. They rely on more objective, systematic and accurate methods to recruit, screen and evaluate candidates in a method they call talent identification and assessment. Their approach has three goals with respect to recruitment, screening and selection. First, they provide high quality candidates from a national and statewide recruitment base. Second, many clients tell them that they based their previous selection decisions on less information than they received through just Developmental Associates' applicant screening process. Third, they provide the most in-depth and accurate information possible about the top candidates for this position to enable you to make the most informed decision possible.

Developmental Associates does the following in their assessment process: They develop a customized application that candidates must complete online that would be tailored to the specific challenges facing Eden. They conduct intensive interviews with each of the top candidates (up to 15). They do the interviews using structured questions based on the needs of Eden with a detailed scoring system. They use a psychological inventory called the Emotional Intelligence Inventory (EQi 2.0). The EQi, which is validated for employment, provides them with information on critical skills of the candidate, such as problem solving, assertiveness, interpersonal relations and teamwork. They use an in-depth survey assessing the candidate with written challenges the candidate would face as the Eden City Manager.

Developmental Associates also provides an assessment center where the candidate would participate in designed exercises that stimulate the responsibilities of the position. These responsibilities will include tasks such as budget presentation, developing written project plans, facilitating staff meetings, conducting performance-based role plays and resolving HR issues with individual departments to directly observe the skills of the candidate. These methods do not limit the discretion of the Council to select a top candidate; instead they enhance the quality of the information they would have at their discretion in making screening, assessment and final interview selection decisions.

Mr. Shelton recommended that Council consider hiring Developmental Associates for the search for the new city manager. This would be a 180 degree turn from the original plan to do this in-house. Switching to Developmental Associates would allow Council to meet fewer times for interviewing and making choices in this process. He believed it would also allow Council to decide with much better and vetted information in their selection of top candidates and ultimately the city manager. The base cost would be \$17,000. Additional costs could be incurred in their own in-house search to bring final selected candidates to Eden for in-person evaluation, interviewing and simply for the candidate to visit Eden and interact with Council and citizens. In terms of what they will pay the next city manager in the long term, the cost of this vetting process was very small. He thought that Developmental Associates can help them find the well vetted and skilled city manager that they wanted and the citizens can have confidence in the manager of their City. He asked that Council consider this information and vote to allow Dr. Straus to make a presentation to Council on January 21 at the regular monthly meeting. He would further ask that Council consider a vote on whether to hire his firm to partner with them in their search for a new city manager.

Mayor Hall thanked Mr. Shelton for putting the information together. When they met with Mr. Wright, he was convinced that Council and staff were well suited to make this decision but as he had talked with different municipalities and agencies, he thought this was such a big decision to be made and he did not think there would be any shame in getting some help from people who do it professionally. Those people know the questions to ask and they know the psychological exam and they score candidates on that, they bring the results to Council and they narrow it down from the whole pool to 15 or so, then narrow it down again to about six. Those candidates go through more testing and role-playing type situations and they are narrowed down to three or four who come to Eden. Ultimately, it was the Council's decision who they hire. It was only about 65 days, two and a half to three months to do the whole thing. It was a very intense process for the applicants.

It was a very thorough process and they know when they bring them that list of three or four that all of those will be qualified. He also pointed out that if they select a candidate based on the firm's recommendation and the person they hire does not stay at least two years then their company will come back and do the process again at no charge. They obviously have a good reputation and a good standing with the candidates so within three to four months, Eden would have hopefully hired a city manager and there was a really good chance nobody in the room knows them. He thought it was OK to let somebody else be the middle man and bring those people in because the Council would not ever know all they need to know about them as opposed to this group who does background checks and information. He was a big fan. He would say too they did get a bid from another company today, very similar but not as intense, and the bid was very similar in price in his opinion but the company was located in Georgia and Developmental Associates was in Chapel Hill. He closed by asking if anyone objected to having Developmental Associates come to the Council meeting (January 21) to which it was unanimous consent to have them come and present.

Mayor Hall asked Mr. Shelton to reach out to Dr. Straus and let him know that they would like a presentation at the regular meeting and at that point they would vote on whether to engage his company.

Consideration of Council representative appointments to the Strategic Planning Commission, Eden Downtown Development Corporation and the Eden Youth Council.

Mayor Hall explained that these did not particularly require a vote but he wanted to put it on the agenda because these people were going to be representing the Council with these different organizations. Council Member Hunnicutt expressed interest in working with the Strategic Planning Commission and the Eden Downtown Development Corporation. Council Member Ellis is willing to volunteer his time with the Eden Youth Council.

A motion was made by Council Member Epps seconded by Council Member Moore to approve the appointments of Council Member Hunnicutt to the Strategic Planning Commission and the Eden Downtown Development Corporation and Council Member Ellis to the Eden Youth Council. All members voted in favor of the motion. The motion carried.

Consideration of a resolution to call for a public hearing to declare a moratorium of the permitting of certain land uses.

Mayor Hall called on Ms. Stultz.

Ms. Stultz explained that she and the city attorney have been working with the Police Department on a series of issues for the last several months. She explained that they were asking the City Council to call for a public hearing that would be held at the January regular meeting to have a moratorium on issuing permits for gaming and game of chance type businesses.

Mayor Hall clarified that these were commonly known as sweepstakes.

Ms. Stultz explained that a moratorium would allow 60 days for the City Council and the Planning Board to make decisions on how they might want to manage it in the future.

City Attorney Erin Gilley added that it was a moratorium on developmental permits, on new businesses.

A motion was made by Council Member Moore seconded by Council Member Nooe to adopt a resolution calling for a public hearing at the January regular meeting to declare a moratorium of the permitting of certain land uses. All members voted in favor of the motion. The motion carried.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDEN CALLING FOR A PUBLIC HEARING TO BE HELD BY THE CITY COUNCIL ON THE QUESTION OF ADOPTING AN ORDINANCE ESTABLISHING A 60 DAY MORATORIUM ON DEVELOPMENTAL APPROVALS FOR CERTAIN LAND USES

WHEREAS N.C.G.S. §160A-381(e) authorizes cities to adopt temporary moratoria on certain development approvals; and

WHEREAS N.C.G.S. §160A-381(e) requires that before adopting an ordinance imposing a development moratorium with a duration of 60 days or any shorter period, the governing board shall hold a public 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; and

WHEREAS the City of Eden has no zoning ordinances of general application governing the proper and appropriate location of game rooms and games of skill; and

WHEREAS the City of Eden wishes to hear from interested citizens whether a 60 day moratorium would unreasonably interfere with projects or approvals that would disrupt or impede economic development or the generation of jobs; and

WHEREAS if a moratorium is established, the City of Eden will act expeditiously so that no efforts to develop any of the above-listed uses is unreasonably interfered with; and

WHEREAS it is the intent of the City of Eden to adopt zoning ordinances of general application governing the appropriate locations and procedures for approving game rooms and games of skill uses not currently specifically governed under the City of Eden Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Eden that:

Section 1. A public hearing on the question of adopting an ordinance establishing a 60 day moratorium on development approvals for game rooms and games of skill in the City of Eden and its extraterritorial jurisdiction shall be held on January 21, 2020.

Section 2. Notice of the public hearing shall be duly published in a newspaper having general circulation in the area not less than seven days before the date set for the hearing. Notice of the time and place of the public hearing shall be given and included in the notice.

APPROVED, ADOPTED AND EFFECTIVE this the 9th day of January, 2020.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

Consideration of a resolution for a Building Reuse Grant Application.

Mayor Hall called on Economic Development Director Mike Dougherty.

Mr. Dougherty explained that the N.C. Department of Commerce offers building reuse grants, one of which would come before Council on January 21 for Gildan. There was also another company he was working with and there would be 62 initial employees above the county wage plus \$10 million in investment. The grant application was due very quickly and needed a resolution to support it. A five percent match was required and that would come out of local incentives that they would be giving them so there was no additional cost to the citizens.

A motion was made by Council Member Epps seconded by Council Member Ellis to adopt the resolution for a Building Reuse Grant Application. All members voted in favor of the motion. The motion carried.

City Council Resolution

WHEREAS, the Eden City Council has previously indicated its desire to assist in economic development efforts within the City; and,

WHEREAS, the Eden City Council wishes the City to pursue a formal application with the NC Department of Commerce Rural Division Building Reuse funding to benefit "Project A" and will invest monies in the amount of 5% of the grant amount (up to \$25,000) toward proposed renovations as committed to the application; and,

WHEREAS, The Eden City Council certifies it will meet all statutory requirements of the Program,

NOW THEREFORE, be it resolved by the Eden City Council that:

Upon receipt of the Grant Agreement for the 2020 Building Reuse project by the NC Department of Commerce Rural Division, the Eden Mayor and/or City Manager are hereby authorized to proceed with the execution of documents and return them to the funding agencies in the interest of proceeding with the grant execution.

The Eden Mayor and/or City Manager are hereby authorized to execute daily grant related documentation which includes documentation such as the grant agreement, general correspondence between the City and the proposed business and/or the funding agency (as necessary.) Any documentation which reflects a change in the original scope of work and/or amendment related activities, must be brought before the Eden City Council for approval.

NOW THEREFORE BE IT RESOLVED, by the Eden City Council that the City of Eden is authorized to submit a formal application to the NC Department of Commerce Rural Division for approval of a Building Reuse Grant to benefit "Project A."

Adopted this 9th day of January, 2020 in Eden, NC

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

ADJOURNMENT:

As there was no further business to discuss, a motion was made by unanimous consent to adjourn.

Respectfully submitted,

Deanna Hunt
City Clerk

ATTEST:

Neville Hall
Mayor

CITY OF EDEN, N.C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, January 21, 2020 at 6 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meeting were as follows:

Mayor:	Neville Hall
Council Members:	Darryl Carter
	Gerald Ellis
	Jerry Epps
	Angela Hampton
	Phillip Hunnicutt
	Bernie Moore
	Bruce Nooe
Interim City Manager:	Terry Shelton
City Clerk:	Deanna Hunt
City Attorney:	Erin Gilley
News Media:	Robin Sawyers, Rockingham Update
	Mike Moore, Mike Moore Media

MEETING CONVENED:

Mayor Hall called the regular meeting of the Eden City Council to order and welcomed those in attendance. Pastor Leroy Valentine, Ambassadors for Christ Ministries, gave an invocation followed by the Pledge of Allegiance led by Fire Chief Tommy Underwood.

PROCLAMATIONS AND RECOGNITIONS:

- a. Proclamation: Martin Luther King, Jr. Day

Mayor Hall read the proclamation.

Proclamation: Martin Luther King, Jr. Day

WHEREAS, January 20 marks the observance of the federal legal holiday to honor the birthday of the Reverend Dr. Martin Luther King, Jr., and

WHEREAS, Dr. King dedicated his life to a vision: that all Americans would live free from injustice and enjoy equal opportunity. His peaceful and lifelong crusade against segregation and discrimination brought our communities closer to the founding ideals set forth in the Declaration of Independence and the Constitution; and

WHEREAS, as we honor Dr. King, we know that our community is stronger, more just, and more free because of his life and work; and

WHEREAS, in paying tribute, we are reminded that the call lies with each of us to fulfill Dr. King's work. Let us use our time, talents, and resources to give back and help those less fortunate. Let us not forget Dr. King's own tireless spirit and efforts as we work, celebrate, and pray alongside each other.

NOW, THEREFORE, BE IT PROCLAIMED that I, Neville Hall, Mayor of the City of Eden, hereby designate January 20, 2020 be set aside as Martin Luther King, Jr. Day in the City of Eden and urge all citizens to join with me this day to apply Dr. King's life and teachings of community service.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 21st day of January, 2020.

By: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

b. Recognition: The Hair Company's 45th Anniversary

Mayor Hall called on Main Street Manager Randy Hunt.

Mr. Hunt said The Hair Company celebrated its 45th anniversary in December. The business began on Van Buren Road as Hair Unlimited. In its 45 years, owner Larry Turner had made a positive impact on the community and had been an inspiration to his employees, at least 10 who in turn had run their own successful businesses. Mr. Turner currently had staff who had been with him more than 15 years.

Mayor Hall presented Mr. Turner with a plaque.

c. Update from the Eden Youth Council

Mayor Hall noted this was an item to be added since it was not on the agenda. He asked the Eden Youth Council (EYC) representatives to come forward.

EYC Chairman Harrison Smith addressed the Council. He recognized other officers of the EYC who were with him at the podium, as well as their new advisor Keisha Taylor. Chairman Smith said the EYC had been seeking an additional advisor to assist City Attorney Erin Gilley and Council Member Ellis. Ms. Taylor, program director at the Eden YMCA, approached the EYC to offer her assistance as she had experience with the Raleigh Youth Council and connections to the Statewide Youth Council. After a presentation by Ms. Taylor and considering the opportunities her experience and connections could bring to the EYC, a vote was taken at their December meeting to have her join as an advisor and to move toward joining the statewide organization. Their first meeting in the statewide group was the following Saturday. The EYC appreciated Council's support as they moved forward with guidance from their advisors. Recently, the EYC had done a street cleanup as part of their Adopt-A-Street commitment on South Kennedy Street and assisted at RiverFest and the Freedom Park Fall Festival. Future events included a beautification project at Matrimony Creek, a spring food drive, continuing street cleanup, a garden project and their annual Kickball Tournament.

Mayor Hall thanked the EYC and Ms. Taylor. He looked forward to the EYC expanding their programs and getting involved at the state level.

SET MEETING AGENDA:

Mayor Hall said as well as adding Agenda Item 4c, there was an item to be added under New Business, Agenda Item 10e – update of the EPA Administrative Order.

Ms. Gilley said Agenda Item 7a needed to be modified as a letter of credit had been added to the agreement.

A motion was made by Council Member Moore to set the meeting agenda with the additions and modification. Council Member Epps seconded the motion. All members voted in favor of the motion. The motion carried.

PUBLIC HEARINGS:

- a. Consideration to approve an agreement with the N.C. Department of Commerce for a Rural Economic Development Grant to benefit Gildan Activewear.

Mayor Hall declared the public hearing open and called on Economic Development Director Mike Dougherty.

Mr. Dougherty explained in September, Gildan announced 85 new jobs and the reopening of the former SGRTEX facility. Incentives included a \$500,000 N.C. Department of Commerce Building Reuse Grant to help upfit the facility. The grant funding could be secured via deed of trust or letter of credit.

Ms. Gilley said originally, the deed of trust was going to serve as credit for the \$500,000 collateral. Gildan requested they accept and use a letter of credit from the Bank of Montreal instead. She had reviewed the letter, which was something used by other municipalities in their grants with other companies. She actually preferred the letter of credit because they would not have to foreclose on a property if the company failed to meet their requirements, instead the bank had agreed to make payment if that happened. The Bank of Montreal, in Chicago, was reputable and the second largest in Illinois.

Mr. Dougherty said Gildan had started production and invested heavily in the facility, worth \$20 million before they were finished. Gildan's track record in Eden had been expansions with more than 2 million square feet among three facilities and 600 jobs.

Mayor Hall noted the City had to match five percent, or \$25,000, they had already approved with the tax incentives. It was a great opportunity to have Gildan get the grant.

Ms. Gilley said a funding requirement from the state was that the jobs be kept for six months. They could be making the first release when the requirement had been met. She felt the risk to the City was very small.

Mayor Hall said they were already several months into it at that point or by the time the funding was ready.

Ms. Gilley agreed and thought they had already created some jobs.

Council Member Moore asked about the date on the letter of credit.

Ms. Gilley clarified that Council was given was a sample letter of credit with the Town of Mocksville in 2015. There had not been enough time to get the actual letter. The City would require a letter of credit, dated the date of the contract, from the Bank of Montreal for \$500,000. What was being asked was Council approve the grant agreement contingent upon Gildan providing a letter of credit similar to the sample. She would review the letter when it came in.

As no one wanted to speak in favor or opposition and there were no further questions, Mayor Hall declared the public hearing closed.

A motion was made by Council Member Epps to approve an agreement with the N.C. Department of Commerce for a Rural Economic Development Grant to benefit Gildan Activewear contingent upon Gildan providing a letter of credit. Council Member Ellis seconded the motion. All members voted in favor of the motion. The motion carried.

- b. Consideration to adopt an ordinance establishing a 60-day moratorium on development approvals for game rooms and games of skill in the City and its extraterritorial jurisdiction.

Mayor Hall declared the public hearing open and called on Planning & Inspections Director Kelly Stultz.

Ms. Stultz said game rooms and games of skill, commonly called sweepstakes, continued to open around the state, including a large number in Eden. While working with Ms. Gilley and the Police Department, it became evident the City's land use regulations did not address the situation adequately. In order to

address that while not allowing any new businesses of that type to open, she requested Council declare a 60-day moratorium on those types of businesses until she could bring back regulations that would address the issue. Those regulations would go before the Planning Board the following week and should come before Council in February.

As no one wanted to speak in favor or opposition and there were no further questions, Mayor Hall declared the public hearing closed.

A motion was made by Council Member Moore adopt an ordinance establishing a 60-day moratorium on development approvals for game rooms and games of skill in the City and its extraterritorial jurisdiction. Council Member Nooe seconded the motion. All members voted in favor of the motion. The motion carried.

AN ORDINANCE ESTABLISHING A SIXTY DAY MORATORIUM ON
DEVELOPMENT APPROVALS FOR CERTAIN LAND USES

WHEREAS, N.C.G.S. §160A-381(e) authorizes cities to adopt temporary moratoria on certain development approvals; and

WHEREAS, N.C.G.S. §160A-381(e) requires that before adopting an ordinance imposing a development moratorium with a duration of 60 days or any shorter period, the governing board shall hold a public 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; and

WHEREAS, sufficient notice was published and a public hearing was held on January 21, 2020, wherein interested citizens were given the opportunity to discuss whether a 60 day moratorium would unreasonably interfere with projects or approvals that would disrupt or impede economic development or the generation of jobs during this brief period; and

WHEREAS, the City of Eden has no zoning ordinances of general application governing the proper and appropriate location and regulations for game rooms and games of skill; and

WHEREAS, almost all counties and most cities greater than 5,000 residents have ordinances of general application that establish zoning districts, setbacks, landscaping and general location requirements for game rooms and games of skill; and

WHEREAS, game rooms and establishments with games of skill have the potential for creating discomfort to the public at large and the State of North Carolina regulates the legality of some of these type uses; and

WHEREAS, the lack of zoning ordinances regulating the aforementioned land uses in the City of Eden does not afford the protection to the citizens and to the general public as do those of other nearby jurisdictions; and

WHEREAS, it is the intent of the City of Eden to adopt amendments to its zoning ordinance and to establish procedures expeditiously so as not to interfere with efforts to develop any of the above-listed uses; and

WHEREAS, the staff of the City of Eden has requested a temporary moratorium to permit it and the Planning Board to further research possible amendments to its zoning ordinance to provide for the more orderly development of regulations for the above listed uses; and

WHEREAS, after considering the comments made at the Public Hearing and reviewing all other options available to it, the City Council believes that there are no other reasonable alternatives to achieving the goal of insuring that all development associated with the above listed uses is in compliance with the proposed new zoning ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Eden, State of North Carolina, that:

Section 1: Moratorium Established

A moratorium is immediately established on development approvals for game rooms and games of skill in the City of Eden and its extraterritorial jurisdiction, to continue in effect until 11:59 p.m. on March 17, 2020, unless earlier terminated or supplanted by another moratorium pursuant to N.C.G.S. §160A-381(e).

Section 2: Problems and Conditions Necessitating Moratorium

The above-listed land uses, if left unregulated, could cause certain nuisances to the general public and injury to adjoining and nearby properties. Such uses can create situations in which the quality of life and the safety of the citizens and property owners in the City of Eden Planning Jurisdiction can be impacted. In the 21st century, land use planning and zoning are the primary means by which local communities determine the proper locations for certain uses and the rules and standards under which they may be developed consistent with the rights of owners of adjoining and nearby properties. It is also through zoning ordinances that municipalities require certain uses to receive a special or conditional use permit through which the developer can demonstrate that, under the conditions and location proposed, the use will not substantially injure the value of adjoining or nearby properties. The location of such uses within close proximity to other uses such as schools, churches, parks, residentially zoned and used property and similar uses are only appropriate under certain conditions.

Section 3: Alternative Actions Considered and Why Inadequate

The City has considered rushing the completion of the zoning ordinance amendments but believes that this action may be more detrimental to the community as it may lead to unintended consequences and the adoption of development regulations that have not been carefully thought out and considered. Accordingly, the City determines that anything short of a moratorium is inadequate to protect the public and the City of Eden.

Section 4: Development Approvals Subject to Moratorium and How Moratorium Address Problems

This moratorium only applies to development approvals in any form, including, but not limited to, building permits, sedimentation and erosion control permits, zoning permits, land disturbance permits, and letters requested by interested parties for confirmation of zoning status or confirmation of no zoning regulations, when such permits, approvals and requests relate to a project being developed for game rooms or games of skill in the City of Eden and its extraterritorial jurisdiction.

Section 5: Express Date for Termination of Moratorium and Reason for Moratorium Length

This temporary moratorium shall be effective and continue in full force until 11:59 p.m. on March 17, 2020. It is imposed to maintain the status quo while the City of Eden follows the procedures in N.C.G.S. §160A-381(a) and (e) for amending the City of Eden Zoning Ordinance.

Section 6: Schedule of Actions to be taken to Address Problems Leading to a Moratorium

The City will immediately consider and study the proper zoning districts, reasonable development standards, and the methods for permitting the above-listed land uses. The City will immediately consider any other actions necessary to protect the public from improper placement of the above-listed land uses.

Section 7: Effectiveness

This moratorium shall be effective upon adoption.

APPROVED AND ADOPTED this 21st day of January 2020.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

REQUESTS AND PETITIONS OF CITIZENS:

There were no requests and petitions of citizens.

UNFINISHED BUSINESS:

- a. Consideration of a presentation by Developmental Associates in the search for a new city manager.

Mayor Hall called on Interim City Manager Terry Shelton and Dr. Stephen Straus of Developmental Associates.

Mr. Shelton reminded Council that there had been discussion at the January 9 special meeting about hiring Developmental Associates in the search for a new city manager. Council had a copy of the proposal.

Dr. Straus said the proposal laid out the plan to proceed. He had met with Mr. Shelton and department heads and it was clear it was a very important decision for the City. A key issue was rebuilding public trust and dealing with some budgetary and financial concerns. He always told councils it was the most important decision they would make. In this case, there was a premium on that decision.

Dr. Straus said his team was based between Chapel Hill and Durham and had been operating since 1991. He was a native North Carolinian, teaching at N.C. State for 25 years and the UNC School of Government for several years. He had been consulting on the side but it was now his primary occupation. The team's approach was that they were not trying to make any decisions for Council, they instead tried to give Council the best, quality information so they could make the most informed decision possible. Too often councils made decisions on insubstantial information. First, the team would do a job analysis – he tried to get a feel of what the client was dealing with, and what the key challenges and opportunities were for the next manager. Their process was then driven by what they learned in those job analyses. After that, the team would put together a recruitment plan which involved developing a job ad, posting the ad with multiple professional websites, targeted recruitment for people they thought were good candidates, posting on listservs and sharing on social media. That would last about 30 days. They would review the cover letters, resumes and applications, which were required to apply. They would analyze the information and compile it in a spreadsheet for the Council to review. The team would do Google searches so Council would know what information was in the public domain. They would then conduct an initial meeting with Council in closed session for about two hours and would want the potential candidates to be reduced to about 15. Those chosen would go through an intensive second screening, using structured telephone interviews, short essay surveys and a standardized emotional intelligence test. Council would meet again with the team in closed session to review the results. After the second meeting, Council would be asked to lower the number of potential candidates to no more than six. Those candidates would be invited to the City to go through an assessment center process, which would involve exercises to simulate what the city manager would have to do, roleplaying, written exercises and a community or staff meeting. It was a two-day process. The first day, assessors, who were usually other local government managers, would come in and be trained on the process, including how to rate candidates objectively. That afternoon, they would begin assessing candidates which would continue through the next day. The second day, the teams of assessors would meet with Council in closed session to share their observations. At the end of that session, they would review the emotional intelligence test to see if it correlated to what the assessors found. It was a comprehensive process and usually at the end, councils would have one, two or three final candidates. Those candidates would then be brought back for final interviews. At that point, Council would know that those candidates had the skills to do the job, they just needed to determine who was the best fit.

Council Member Hunnicutt asked how many city manager searches Developmental Associates was currently doing.

Dr. Straus replied one.

Council Member Hunnicutt asked if the two-day assessment was done in the City or if it was done elsewhere and shared with Council.

Dr. Straus said normally the assessments were brought to a city, and he did not necessarily recommend doing them at City Hall. The candidates would have the opportunity to get to know Eden and Council could have first-hand communication with the assessors when they were done.

Council Member Hunnicutt asked if the process was done at one time and if the candidates heard each other's assessments.

Dr. Straus said normally up to six candidates would come in for the assessment. Recently, they had started doing half one day and half the next. Candidates and assessors signed statements of confidentiality. There were four exercises going on at the same time so while one may be in a roleplay another may be in a staff meeting. They would be moving around into different exercises and they never crossed.

Council Member Ellis asked if they saw each other.

Mr. Straus said they did. They had found that city manager candidates were fine meeting each other and it was usually a friendly atmosphere by the time it was over.

Council Member Hampton asked which nearby cities had used the team to hire a city manager.

Dr. Straus said Greensboro, the current manager had been hired as an assistant manager. They had helped Greensboro hire 10 to 15 positions. They helped the City of Reidsville hire their manager and assistant managers. They had helped Danville hire several key positions.

Council Member Hunnicutt asked about how many candidates usually had the initial phone interviews.

Dr. Straus answered up to 15, with each interview lasting about an hour. The interviews were done by his team with structured questions with structured rating criteria. They would look for answers on any issue Council may have about a particular candidate. The team kept notes that Council could review.

Council Member Ellis asked about the number of positions the team had helped fill in the state.

Dr. Straus said there had probably been between 300 and 400.

Council Member Ellis asked from that number, how many of the new hires had left the position after a year or so.

Dr. Straus replied three candidates had not worked out. One involved a family issue and the other two stemmed from the council not going with the team's results.

Mayor Hall said he had heard the presentation once and it was just as amazing to hear it the second time. After their special meeting last year with the personnel specialist from the N.C. League of Municipalities, he was convinced Council could conduct the process, saving that money, and hire someone they all agreed on. He had talked to other mayors who had used the team and were pleased with it. He had spoken with two candidates who were hired after going through the process and they were happy with it and he also spoke with a candidate who went through it and was not hired, but was still pleased with the team's work. That sold him. He wanted to save money but it was an important decision. He would not perform surgery on himself, he did not know how. He was not

ashamed to ask for help when they were making such a big decision. The team's track record and successes spoke for themselves.

Dr. Straus said he did try to caution councils that there were no flawless candidates. Everyone had strengths and weaknesses. The team would meet with the new hire and any internal candidate who applied and does not get the position and provide them with feedback of what they had learned through the assessment center and the exercises. They wanted the hire to be successful immediately. If a candidate did not work out, it reflected on the team so they wanted to do what they could to put them on sound footing so they would provide that kind of coaching.

Mayor Hall said the City did receive a bid from a company Georgia who provided similar services. They had reviewed the proposal and it was not nearly as in depth as what Developmental Associates did. They would rather stay with a local company.

Council Member Ellis said there was a lot going on in Eden. Having Developmental Associates come in knowing the background was a plus for the City.

Dr. Straus said he would need to get input from each member of Council.

A motion was made by Council Member Ellis to hire Developmental Associates in the search for a new city manager. Council Member Hampton seconded the motion. All members voted in favor of the motion. The motion carried.

b. Consideration of Boards and Commissions appointments.

Mayor Hall called on Ms. Stultz.

Ms. Stultz said there were several appointments that needed to be made.

Council Member Nooe nominated Tim Kirkman for the Community Appearance Committee.

Council Member Epps nominated Jeanette Wagoner for the Board of Adjustment and Faye Shelton for the Community Appearance Committee.

Council Member Carter nominated Amelia Dallas for the Planning Board.

Council Member Hunnicutt nominated Jason Harris for the Tree Board.

Council Member Ellis nominated Tyra Hinton for the Tree Board and Frank Wyatt for the Planning Board.

A motion was made by Council Member Hampton to approve the nominations. Council Member Carter seconded the motion. All members voted in favor of the motion. The motion carried.

c. Consideration of an updated report on the nuisance violations at 216 The Boulevard.

Mayor Hall called on Ms. Stultz.

Ms. Stultz reminded Council they had voted in October to bring the item back in January. She reached out to the owner, Michael Hall, and he was at the meeting and may want to address Council. Ms. Stultz presented photographs of the building, past and present.

Mr. Hall came forward and said he was working on the building. He had told Council he would make progress on it and he felt he did that. He had contacted a mason, framers and a crane company. The crane company was working on a cost estimate to tear out the ceiling and roof.

Council Member Ellis noted that from October to the present, the front had been redone so he could tell Mr. Hall was working on it. He asked about the back of the building.

Mr. Hall said he had hauled away some stuff from the ground. He was waiting to hear back from the crane company.

Council Member Moore asked if Mr. Hall knew when he could get the estimate.

Mr. Hall said they were working it up a couple of different ways.

Council Member Ellis asked if he could get in through the back.

Mr. Hall said yes, and they were talking about tearing the wall down to get the crane close enough to demo the rest of it.

Council Member Hunnicutt asked if Mr. Hall intended to leave the roof structure that went wall to wall. He was asking because some structures had been built so that they supported each other. He wanted to know what the plan was so that there were not collapsing walls.

Mr. Hall responded that the steel structure was the support of his building and it was all made in one piece. It was a truss system, not attached, but self standing on the inside of the property. He thought the building was built later, thus the metal trusses.

Council Member Hunnicutt said it still may offer bracing or supporting even though it was not part of the original construction. He asked if Mr. Hall planned to leave that.

Mr. Hall said it was being figured both ways, leaving it and just taking the wood off of it or taking it down completely.

Mayor Hall said it sounded like the City's desire to tear down the building was in line with the desire of the property owner.

Council Member Hampton was very impressed by the facelift on the front of the building. The inside and back looked terrible and did not seem to have been touched. She was glad to see that he did paint the front. The front looked bad a couple of months before when there were activities going on around it. The Boulevard merchants were really trying and making progress, so they needed Mr. Hall to jump on board.

Mr. Hall said that was what he would like to do. He wanted it to look nice.

Council Member Hampton said the front looked great.

Mr. Hall said it would look even better.

Council Member Hampton asked if Mr. Hall had any idea what he wanted to do with the property.

Mr. Hall responded he did not right off. He did want the property to look nice. He did not want the worst looking property on The Boulevard.

Council Member Hampton asked if he wanted a shell.

Mr. Hall replied a shell and maybe later on put a partial roof over part of it and maybe put a floor in it. It had a partial floor. He would like to get the front looking nice. His carpenter was coming back and wanted to put siding and an awning on the front. He had a block mason lined up. He wanted it to look good.

Council Member Epps said it looked better than a chain link fence.

Mr. Hall said he was working out of his pocket. He did not want the City to pay for anything.

Council Member Ellis said Mr. Hall seemed to be continually working on the property and that was good. He asked if Mr. Hall had really thought about what he wanted to do with it.

Mr. Hall said it would be nice to turn it into something to make money. He had just paid his taxes in Wentworth, the same rate that was always on it. He was open to suggestions. Anything was better than what it was now. He wanted it to be a positive instead of a negative.

A motion was made by Council Member Epps for Mr. Hall to return in 90 days so Council could see what progress he had made. Winter was coming and it would be rough.

Mr. Hall said it would be and he was waiting on the carpenter and mason.

Ms. Gilley asked if Council Member Epps wanted to put a meeting date with motion.

Council Member Epps amended his motion for Mr. Hall to come back with an update before Council at the regular April meeting.

Mr. Hall said they would be able to tell a difference in it in April.

Council Member Ellis seconded Council Member Epps' amended motion. All members voted in favor of the motion. The motion carried.

NEW BUSINESS:

- a. Consideration to approve an agreement and funding approval for the CDBG Draper Neighborhood Housing Revitalization Project.

Mayor Hall called on Ms. Stultz.

Ms. Stultz reminded Council that the City was awarded \$750,000 to do housing repairs for owner-occupied units in the two mill villages in the eastern part of Eden. In dealing with the state and federal government, there were many things that had to be done before the City could get started with the actual work. The Council was requested to approve the required agreements and she would be back later with a contract for a consultant. Once all the conditions had been released, the City would be able to start on the actual work on the houses. A housing committee had been set up and approved by Council, and that committee would screen and approve the applicants based on multiple criteria. A deed of trust would be required to prevent owners from taking the windfall and selling the house. The point of the project was to provide better quality housing. The loans would be forgiven after a certain term of years, usually eight. They would know that as the process went further along.

Council Member Moore asked if information about the grant had been made public.

Ms. Stultz replied yes. She received calls daily about it. She had to tell someone who came in that day that it would likely be several months before the properties were chosen. The City had to follow the rules of the process.

Council Member Epps asked if the grant money was released at one time.

Ms. Stultz replied the City paid and was reimbursed quickly. The City would not do it all at one time. They had to get assessments of the planned work and any change orders beyond a certain amount. Those had to be approved by the state.

Council Member Epps recalled when the project was in the Flynt Hill neighborhood and many people did not want to participate. He hoped this one was better.

Ms. Stultz said the City had a much better response from the residents in Draper community.

Council Member Moore asked if he read that some of the money could be used toward sidewalks.

Ms. Stultz answered potentially, yes. The maximum that could be spent on a house was \$40,000. If someone just needed a roof and they qualified, the City may be able to help more people. She had spoken with the consultant that day and they were working on an urgent repair application that would marry with this project well. That would be additional funds beyond the \$750,000 that she hoped the City would be approved for. It did not appear anyone else in the county was applying for it.

Council Member Hampton asked if applications were still being accepted.

Ms. Stultz said actual applications would be taken once the City was released to do that.

Council Member Ellis asked about the housing committee that was chosen.

Ms. Stultz said the committee was approved in 2019 during the application process. She could bring all of that back for Council to view. She did know Council Member Hampton and other community members were on the committee.

Council Member Hunnicutt asked how the geographic area was determined.

Ms. Stultz replied she chose it based on economic conditions, the fact that that section of Eden had the potential to really change in the next few years and that they had never had any housing money that focused on that area of Eden.

Council Member Hunnicutt asked if it was limited to that area.

Ms. Stultz said it was. The urgent repair would not be if they received the funding for it.

Council Member Hunnicutt asked if she had submitted that particular area when she made the application for funding.

Ms. Stultz replied she had. An area had to be chosen because the City had to verify that the residents in an area generally met the income requirements. The consulting firm that had helped the City with the application spent days in the neighborhood talking to residents. If they did a grant citywide, two things would happen: the impact would be diluted and they were not as likely to get funded.

Council Member Hunnicutt asked how she would deal with a home across the street, outside of the chosen district, from a home who received funding.

Ms. Stultz said she did have flexibility and could fund a home nearby.

Council Member Ellis thought it was an important program. The Draper community was the first visitors from the mega park would see. That community had been hard hit by a loss of industries in the past years.

Ms. Stultz said that community had a strong identity. If homes on a street were repaired, other homeowners would be inclined to do the same.

Council Member Ellis had spoken with someone who repaired a house on Front Street and she told him it was amazing how the changes were affecting the other homes around it.

Mayor Hall appreciated all that Ms. Stultz and her staff had done on the project. He had been in to sign numerous documents that had to be delivered to get the process this far.

A motion was made by Council Member Ellis to approve an agreement and funding approval for the CDBG Draper Neighborhood Housing Revitalization Project. Council Member Carter seconded the motion. All members voted in favor of the motion. The motion carried.

- b. Consideration to approve an agreement between the City and Wetherill Engineering, Inc. for the East Stadium Drive Sidewalk.

Mayor Hall called on Ms. Stultz.

Ms. Stultz said the City was at the point of hiring a consultant, they had been held up by the state. The new sidewalk would connect the middle and high schools to the park and connect all the way to Edgewood Road. NCDOT had decided they had enough time to administer the project themselves, freeing up the staff from those duties. After the agreement was signed, NCDOT would send a bill for the City's match and then NCDOT would handle the project from there. Ms. Gilley would still be involved in title work and that sort of thing once the surveys were done.

Council Member Epps asked if NCDOT had given a figure for the project.

Ms. Stultz said the engineering, survey and design consultant was about \$98,000 and that was the portion the City was responsible for. The other \$394,000 was being paid by NCDOT. Having Ms. Gilley do a portion of the work would save the City money. It was an exciting project and great for the community. Their division of NCDOT had been kind to them.

Mayor Hall noted it would also connect the elementary school to the park. It was moving them to a more walkable city.

Ms. Stultz said most of the property under consideration was owned by the school system or the City and the right-of-way was incredibly wide.

Council Member Moore asked if the sidewalk would stop at Edgewood Road or if it would turn.

Ms. Stultz said there may be a financial issue that would cause them to turn into the park sooner but she was hoping that it would get all the way to Edgewood Road.

Council Member Ellis asked about the portion of the City's funding.

Ms. Stultz said it was a local match of 20 percent, meaning \$98,000. Director of Finance and Personnel Tammie McMichael had set aside \$106,000 for the project but currently the estimate was \$98,000. The money was already set aside.

Council Member Nooe verified that was for the design and construction.

Ms. Stultz said the City's \$98,000 plus the \$394,000 was for everything.

A motion was made by Council Member Carter to approve an agreement between the City and Weatherill Engineering, Inc., for the East Stadium Drive Sidewalk. Council Member Moore seconded the motion. All members voted in favor of the motion. The motion carried.

c. Consideration of Strategic Planning Commission appointments.

Mayor Hall called on Ms. Stultz.

Ms. Stultz said on the Strategic Planning Commission (SPC), there was one vacancy for an unexpired term as a result of a resignation, one for a full term for someone who resigned in their last year of service and three vacancies for members whose terms had expired – Jessie Morris, Merinda Easley and Christy Hensley – but who had expressed interest in staying on. The SPC did make a recommendation at their November meeting that Jim Burnette be appointed. The appointments were made at Council's discretion.

Mayor Hall noted the SPC had asked Council to appoint Mr. Burnette. He asked Ms. Stultz if that was the only appointment Council needed to vote on.

Ms. Stultz said Council could choose to reappoint the members who had been on the Commission.

Council Member Hunnicutt said as the Council liaison to the SPC, as far as diversity, the SPC was weak on industrial and business representation. He would like to see Council appoint Mr. Burnette as he was specifically requested and table the other three people for the SPC's next meeting to give them an opportunity to appoint a new chairman. They did not have a chairman or vice chairman. He thought it would be good for the SPC to get their leadership in place so they could discuss how they wanted to structure their membership.

Ms. Stultz said absolutely. The SPC was supposed to have 12 members and were currently short by five because of two vacancies and three members that had already expired and could not be included in the meeting.

Council Hunnicutt said he was trying to allow the SPC to get leadership in place so Council could get some clarity as to how they wanted to move forward. He did not want it perceived that Council was appointing people and making the SPC operate with people when they may want to go a different direction. He made a motion that Council approve the appointment of Mr. Burnette to the SPC and that the three expired members be asked to stay through the February meeting. At that meeting, the SPC would be able to review other possible candidates.

Ms. Gilley said the ordinance stated the term was for a specific period so legally the City would need to amend the ordinance if they wanted to extend the terms of those members.

Council Member Hunnicutt still felt Council should give latitude to the leadership. He amended his motion that Council at this time approve the appointment of Mr. Burnette as recommended by the SPC. Council Member Epps seconded the motion. All members voted in favor of the motion. The motion carried.

d. Consideration to adopt an ordinance to amend Chapter 16 (Utilities) of the City Code pertaining to cross connection control.

Mayor Hall called on Water & Sewer Construction Projects Manager Mark Bullins.

Mr. Bullins said the amendment to the existing backflow prevention / cross connection ordinance would align with recent changes in the N.C. Administrative Code so the City's ordinance would reflect those changes. The most notable was the requirement of RP on a lawn irrigation system due to changes in the

text using American Water Works Association Manual M14. The changes highlighted in blue were spelling or grammatical corrections, in yellow reflected what the Administrative Code said. There were changes in the definitions. At one time, the state was using the term moderate hazard and severe hazard and those had changed to low hazard and high hazard, just a simplification. The recommendations on page 20 for backflow prevention assembly were from the M14 manual. He did discuss that with the plumbing inspector. There were simplifications in there to help make it easier to enforce the ordinance. The biggest change there was a requirement on lawn irrigation moved from the lesser requirement of a double check to an RPZ and the only requirement for a RP on a fire sprinkler system was if it had chemicals. The pump requirement had been removed.

Council Member Nooe asked how many irrigation meters were in the City.

Mr. Bullins answered close to 200.

Council Member Nooe asked how many meters were in areas of low pressure to begin with.

Mr. Bullins said that was a good question. He had not looked in it.

Council Member Nooe stated there was pressure loss through the devices. If someone was already having issues, it would make an irrigation system less than adequate.

Mr. Bullins said the majority of the irrigation systems were in a lower area of the City where the pressure was higher so it was a lot more sustainable. He was referring to The Oaks. Some on Briarwood Drive were still fairly sustainable. If they were at the higher elevations, they probably would not be sustainable. The pressure loss for a double check could be anywhere from two to five, not supposed to be over 10 psi. Pressure loss for an RPZ could be as high as 12 to 15 psi, which was considerable. That question had also been posed to him by a restaurant, who because of the requirement, would have to put in a bladder system and pump to maintain the pressure they needed for the business.

Mayor Hall pointed out the issue was one Council had battled the previous year and it finally came down to the City having no choice but to implement the ordinance as required by the state.

Council Member Nooe agreed that it was a requirement. He asked what could be done to improve the pressure in the City.

Mayor Hall said they could look at the pressure. They just had no leeway on the ordinance. He had fought against the issue when it was brought up and Mr. Bullins did a lot of work to answer his questions. Mayor Hall had wanted to spare the citizens the additional money but it came down to a safety issue with the water system and the state made them get into compliance. Now the City was being told they were using a different system and it could create more problems.

Mr. Bullins agreed and said the double checks that were allowed to be installed up until January of that year would stay in place until they failed. To make sure that was in place, Mr. Bullins had added a clause to allow that to happen. It would have to fail until it could no longer be repaired or rebuilt.

Mayor Hall verified that by code, they should have been put in during installation. They were supposed to have already been in.

Mr. Bullins said that was correct.

Council Member Ellis asked if the restaurant Mr. Bullins had spoken of was in compliance and working with him to get everything right.

Mr. Bullins replied absolutely. He was trying to work with people to help them get into compliance. He did not want anyone to shut down or bear more of a burden than they had to.

Council Member Carter appreciated Mr. Bullins doing that.

Council Member Hunnicutt asked if the annual inspection requirement was part of the state mandate.

Mr. Bullins answered that it was out of the M14 manual which was referred to in the Administrative Code.

A motion was made by Council Member Nooe to adopt an ordinance to amend Chapter 16 (Utilities) of the City Code pertaining to cross connection control. Council Member Ellis seconded the motion. All members voted in favor of the motion. The motion carried.

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF EDEN

BE IT ORDAINED BY THE CITY COUNCIL of the City of Eden, North Carolina, that Article 2A of Chapter 16 of the Eden City Code is amended as follows:

DIVISION 2A CROSS-CONNECTION CONTROL

§ 16-46 PURPOSE OF CROSS-CONNECTION CONTROL.

The purpose of this cross-connection section is:

- (1) To protect the public potable water supply of the City of Eden from the possibility of contamination or pollution, which could backflow into the public water system, due to backsiphonage or backpressure, by containing such pollution or contamination at the water service within customer's private water system.
- (2) To define the authority of the City of Eden as the water purveyor entitled to eliminating all cross-connections, new or existing, within its public water system.
- (3) To provide for a continuing program of inspections and testing of existing cross-connections, and those which may be installed in the future.

§ 16-47 AUTHORITY FOR IMPLEMENTING A CROSS-CONNECTION CONTROL PROGRAM.

Cross-Connections between potable water systems and non-potable sources are a significant threat to water quality and to the health of the public water supply. This ordinance is designed to maintain the safety and potability of the water in the City of Eden public water system by establishing rules and procedures to prevent the pollution and contamination of public drinking water by backflow from any non-potable source.

The authority for the following backflow and cross-connection rules are found in the

- 1) Federal Safe Drinking Water Act of 1974, 1986 & 1996 (42 US Federal Code, Chapter 6A, Subchapter XII) and the EPA Cross-Connection Control Manual.
- 2) NCAC title 15A, (Title 15A, subchapter 18C .0102 DEFINITIONS (c) .0307, (c)(5)(A); cross-connection control and .0406 (b); Cross-Connections This Article

§ 16-48 DEFINITIONS.

A. Backflow: Any reverse flow of water, gas or any other substance back into the public water system of the City of Eden from any source other than the approved water supply.

1) Back pressure backflow: Any elevation of pressure in the downstream piping system caused by pumps, elevation of piping, heat or steam and/or air pressure above the supply pressure at the point of consideration, which would cause a reversal of the normal direction of flow of water.

2) Backsiphonage backflow: A reversal of the normal direction of flow of water in the pipes due to a negative pressure (vacuum) being created in the supply line with the backflow source subject to atmospheric pressure. This can occur because of water main breaks or during fire suppression events.

B. Backflow Administrator: An employee of the City of Eden, trained and certified by the State of North Carolina as a Cross-Connection Control Operator in Responsible Charge, designated to administer and enforce this article, also known as the Cross-Connection Control Technician.

C. Backflow Prevention Assembly (Approved): An assembly that has been investigated and approved by the City of Eden Backflow Administrator and has been approved to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE), the American Water Works Association (AWWA), and has been tested and approved for specific applications by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research (USC FCCCHR). FM (Factory Mutual) and Underwriters Laboratory (UL) approvals shall be required for backflow prevention assemblies installed on fire suppression lines.

1) Air gap (fixed) - A permanently fixed, unobstructed vertical distance through the atmosphere between the lowest opening from any pipe or faucet supplying water from any source to a tank, plumbing fixture, or other device and the flood level rim of the device. An approved air gap separation shall be at least double the diameter of the supply pipe. In no case shall the air gap separation be less than two inches. An approved air gap may be considered as a backflow prevention assembly.

2) Double check valve assembly - An assembly composed of two, independently operating, approved check valves, plumbed in series. The assembly must include four resilient-seated test cocks that are properly located for testing the assembly and two tightly closing shut-off valves located at each end of the assembly.

3) Double check detector assembly - An assembly composed of an approved double check valve assembly with a bypass water meter and a meter-sized approved double check valve device. The meter shall register accurately for very low flow rates and shall register all flow rates. The check valves shall allow for water to flow through the water meter prior to flowing through the larger assembly. This shall be for the purpose of detecting leaks or usage on fire suppression water systems.

4) Dual check valve device - A backflow prevention device comprised of two independently operating, approved check valves, plumbed in series. The device is not testable and is generally installed downstream from a water meter and is used for the containment of single-family water services as part of a residential backflow prevention program.

5) Pressure vacuum breaker Assembly - A device containing an independently operating spring-loaded check valves and an independently operated spring-loaded air inlet valve located on the discharge side of the check valve. The device includes tightly closing shut-off valves on each side of the assembly and two properly located test cocks for the testing of the assembly

6) Reduced pressure zone assembly - An approved, properly functioning assembly containing two, independently operating, approved check valves plumbed in series, with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves that discharges to atmosphere. The assembly must include four resilient-seated test cocks that are properly located for testing the assembly and two tightly closing shut-off valves located at each end of the assembly.

7) Reduced pressure detector assembly - An assembly composed of an approved reduced pressure zone backflow prevention assembly with a bypass water meter and meter-sized approved reduced pressure zone device. The meter shall register accurately for very low flow. The water flowing through the meter shall be protected to same level as the water through the main assembly. The check valves shall allow for water to flow through the water meter prior to flowing through the larger assembly. This shall be for the purpose of detecting leaks or usage on fire suppression water systems.

D. Certified Backflow Prevention Assembly Tester: Any individual person who holds a certificate of completion from a certified training program in the testing and repair of backflow prevention assemblies and cross-connection control. The certification school must be approved by the Cross-Connection ORC for the City of Eden and based on the quality of training provided as compared to NC AWWA and NCRWA standards.

E. Construction Meter: A water meter assembly that includes a Reduced Pressure Zone backflow preventer for the protection of the potable water system, usually ¾ by 5/8 inch designated for the purpose of providing temporary waster service for a construction site. It may be set up to take advantage of an existing water connection or be connected to a fire hydrant and shall have a ¾ inch hose bib connection.

F. Containment: The prevention of backflow from a non-potable system utilizing an approved, properly functioning backflow prevention assembly which is installed, operated, and maintained in accordance with the provisions of this article.

G. Contamination: An impairment of the quality of the water to a degree that it creates an actual hazard to the public health through poisoning or through the spread of disease.

H. Cross-Connection: Any actual or potential connection or piping arrangement between a potable water supply and any other non-potable source or system whereby water or other liquids, mixtures, or substances may flow into or enter the potable water supply system.

I. Hazard (Health/High): A potential threat of contamination to the public water system or to a water service customer's potable water system that could cause serious illness or death.

J. Hazard (Imminent): An immediate threat of contamination to the public water system that could cause serious illness or death.

K. Hazard (Non-health/Low): An actual or potential threat of damage to the physical components comprising the public water system or to a water service customer's potable water system, or of pollution to the public water system or to a water service customer's potable water system.

L. Homeowner: An individual who resides on the property that he/she owns by proper title and/or deed. The owner-occupant of a home.

M. Hydrant Meter: A water meter designed to be connected to a fire hydrant for the purpose of obtaining water on a temporary basis where no regular water connection is available that will perform the purpose needed. This device should include a Reduced Pressure Zone (RPZ) backflow preventer to protect the potable water system from contamination. This assembly shall be fitted 2 ½ inch fire hose connection.

N. Isolation: The prevention of backflow in which a backflow preventer, such as a hose bib or an atmospheric vacuum breaker, is located to correct a cross-connection at a specific location on a private potable water system rather than at a water service connection. This protects the drinking water in the building and is covered by NC Plumbing Code.

O. Owner: Any person who has legal title to, or license to operate or inhabit in, a property upon which a cross-connection inspection is to be made or upon which a cross-connection is present.

P. Pollution: An impairment of the quality of the potable water to a degree that does not create a hazard to public health but that does adversely and unreasonably affect the aesthetic qualities of such potable water for domestic use.

Q. Potable Water: Water from any source which has been approved for human consumption by the State of North Carolina, Department of Environmental Quality, Water Resources Division, Public Water Supply Section.

R. Person: Any individual, partnership, company, public or private corporation, political subdivision or government agency or any other legal entity.

S. Private Water System: Any water system located on the water service customer's premise, whether supplied by public potable water or an auxiliary water supply. The system or systems may be either a potable water system or an industrial piping system.

T. Public Water System: The potable water system owned and operated by the City of Eden. This includes all storage tanks, distribution mains, lines, pipes, connections, fixtures and other facilities, conveying potable water from the water treatment plants to the service connections of each water service customer.

U. Service Connection: The terminal end of a service connection from the public potable water system, immediately after the water meter, i.e., where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the water service customer's private water system.

V. Used Water: Any water supplied by a water purveyor from a public potable water system to a water service customer's private water system after it has passed through the point of delivery and is no longer under the control of the water purveyor.

W. Water Service Customer: Any person, firm, or corporation receiving water from the City of Eden by way of a water service connected to the City of Eden's public water system.

X. Water Purveyor: Owner or operator of a public potable water system providing approved potable water supply to the public.

Y. Water Supply (Auxiliary): Any water supply on or available to the water customer's premises other than the water purveyor's public potable water system. The auxiliary water may include water from another purveyor's public potable water system or any natural source such as a well, spring, river, stream, etc., and used or objectionable.

Z. Water Supply (Unapproved): Any water supply, which has not been approved for human consumption by the State of North Carolina, Department of Environmental Quality, Water Resources Division, Public Water Supply Section.

§ 16-49 RESPONSIBILITY.

A. Responsibility: City of Eden

(1) The City of Eden Collection and Distribution Superintendent will be primarily responsible for preventing any contamination or pollution of the public water system. This responsibility begins at the point of origin of the public water system supply and includes all of the public water distribution system, and ends at the service connection, under the Safe Drinking Water Act. The Backflow Administrator shall exercise vigilance to ensure that the water customer has taken the proper steps to protect the public potable water system.

(2) When it has been determined by an inspection of the water service customer's private water system that a backflow protection system is required for the protection of the public water system, the Backflow Administrator shall notify the owner, in writing, of any such building or premises, to correct within a time set by this article, any plumbing installed or existing that is in violation of this article.

(3) The Backflow Administrator will select an approved backflow prevention assembly to be installed at the service connection. The owner shall be notified that the installation of a backflow prevention assembly may create a closed system, and as a result thermal expansion may occur. In these circumstances the owner must understand and assume all liability and responsibilities for that phenomenon.

B. Responsibility: Water Service Customer

(1) The water service customer has the responsibility of preventing contaminants and pollutants from entering the water service customer's private water system or the public water system operated by the City of Eden. The water service customer, at his own expense, shall install, operate, test, repair and maintain all backflow prevention assemblies specified within this article. The City of Eden may choose to do the testing, maintenance and repair of the customer's backflow prevention assemblies and pass the costs to the affected water customers through the water billing system.

(2) If a water service customer is a tenant and does not maintain the private water system, and has no authority to bring the system into compliance with the provisions of this article, the City of Eden may assert any available action against the tenant water service customer to assure the private water system is brought into compliance with this article.

§ 16-50 RIGHT OF ENTRY; AUTHORIZATION.

(1) Any authorized representative from the City of Eden shall have the right to enter any building, structure or premises during normal business hours to perform any duty imposed upon him/her by this article and in accordance with the North Carolina Administrative Code. Those duties may include sampling and testing of water, or inspection and observation of all piping systems connected to the public water supply. Refusal to allow these representatives to enter for these purposes shall result in disconnection of water service. (2) On request, the water service customer shall furnish to the water purveyor any pertinent information regarding the water supply system on such property where cross-connection and backflow are deemed possible.

§ 16-51 LAW; UNPROTECTED CROSS-CONNECTION PROHIBITED.

(1) No water service connection to any private water system shall be installed or maintained by the City of Eden unless the water supply is protected as required by this article and in accordance with the North Carolina Administrative Code. Service of water to any premises shall be discontinued by the City of Eden if a backflow prevention assembly required by this article, is not installed, tested and maintained, or if a backflow prevention assembly has been removed, bypassed or if an unprotected cross-connection exists on the premises. Service will be restored after all such conditions or defects are corrected.

(2) No water service customer shall allow an unprotected cross-connection to be made or to remain that involves the water service customer's private water system.

(3) No connection shall be made to an unapproved auxiliary water supply unless the public water supply is protected against backflow by an approved backflow prevention assembly, appropriate to the degree of hazard.

(4) No interconnection to any other water purveyor's water system shall be made unless it is protected against backflow by an approved backflow prevention assembly.

(5) No water service customer shall fail to maintain in good operating condition any backflow prevention assembly, which is part of the water service customer's private water system and is required by this article.

(6) No water service customer shall fail to submit to the City of Eden any records, which are required by this article.

§ 16-52 INSTALLATION.

A. Installation and testing requirements:

(1) The purpose of this section is to require that, when a cross-connection to the City of Eden public water system has been identified, all water flowing from the public water system into that private water system, must flow through an approved backflow prevention assembly. Furthermore, each backflow prevention assembly must be properly located, installed, tested, and maintained per the City of Eden requirements so that the backflow prevention assembly is effective in protecting the public water system from any possible contamination or pollution.

(2) The installation or replacement of a backflow prevention assembly for domestic water, irrigation, commercial and industrial use shall only be performed by a licensed plumber, utility contractor or homeowner. The installation or replacement of a backflow prevention assembly on a dedicated fire sprinkler service shall only be performed by a licensed fire sprinkler contractor. ALL backflow prevention assemblies shall be tested and repaired by a certified backflow prevention assembly tester authorized by the City of Eden.

(3) For premises existing prior to the start of this program, the Department will perform evaluations and inspections of plans and/or premises and inform the owner by letter of any corrective action deemed necessary.

(4) All new and change of use construction plans and specifications which will receive service from the City of Eden public water system shall be made available to the Backflow Administrator for review, approval, and to determine the degree of hazard, and any required backflow prevention assembly to be installed.

(5) All facilities zoned commercial or industrial that have existing water services with the City of Eden and requesting Certificate of Occupancy from the City or County Planning and Zoning offices, whether for new construction or change of use, shall be inspected for compliance of backflow prevention and cross-connection control. Any facility not having backflow protection or changing the degree of hazard shall be brought into compliance before the Backflow Administrator may release the Certificate of Occupancy.

(6) The Backflow Administrator will determine if a water service customer must install a backflow prevention assembly, and provide the water service customer with a letter of notification and list of approved backflow prevention assemblies. Any unapproved backflow prevention assembly must be replaced, with an approved backflow prevention assembly, within a time period set by the Backflow Administrator. The following time periods shall be set forth for the installation of the specified backflow prevention assemblies:

New construction: No water meter will be installed by the City until the proper backflow prevention assembly is installed, tested, and approved.

Change of use/change of ownership: No water service will be activated by the City until the proper backflow prevention assembly is installed, tested, and approved.

Existing facility evaluation compliance schedule:

Health hazard	60 days
Non-health hazard	90 days

Testing and repair compliance schedule:

Failure to test backflow prevention assembly by anniversary date	30 days
Failure to repair or replace failed a backflow prevention assembly	14 days

If an **IMMINENT HAZARD** or an **UNREASONABLE THREAT OF CONTAMINATION OR POLLUTION** to the City's public water system is detected, the Backflow Administrator may require the installation of the required backflow prevention assembly **IMMEDIATELY**, or within a shorter time period than specified above. If installation is not completed within the specified time period, or if contamination is presently occurring, **WATER SERVICE MAY BE IMMEDIATELY DISCONNECTED** in order to protect the potable water system and public health.

(7) All backflow prevention assemblies must be installed and maintained on the water service customer's premises as part of the water service customer's private water system at or near the service connection and before the service line is connected to any other pipes except as authorized by the Backflow Administrator.

(8) If it has been determined that a backflow prevention assembly cannot be installed at the meter service, due to Zoning or DOT Right-of-Way, an approved backflow prevention assembly must be installed before any branch of plumbing that is installed between the service meter and the service backflow prevention assembly.

(9) Any branch of plumbing installed on the private water system that may be subject to a greater hazard than the supply line, (example: Irrigation systems or pump systems, etc.) shall be protected with the appropriate backflow prevention device, as determined by the Backflow Administrator.

(10) Approved backflow prevention assemblies: Meets American Society of Sanitary Engineers (ASSE) standard and carries ASSE seal or is on the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research (USC FCCHR) approval list. Also see the current revision of the City of Eden Backflow Assemblies Specification sheets.

(11) Any water service customer installing any backflow prevention assembly must provide the following information to the Backflow Administrator:

- a. Owner's name and address;
- b. Service address where assembly is installed;
- c. Description of assembly's location;
- d. Date of installation;
- e. Size of assembly
- f. Type of assembly;
- g. Manufacturer;
- h. Model number;
- i. Serial number;
- j. Test results/reports.

(12) Reserved

(13) Each backflow prevention assembly that is required must function properly at time of installation. Each water service customer will be required to maintain, and repair each assembly required as part of their private water system. Testing shall be done immediately following installation of any backflow prevention assembly prior to receiving a CO (certificate of occupancy) and annually thereafter. The owner at their own expense shall have a certified backflow prevention assembly tester conduct the tests and forward the results to the City within ten business days.

(14) If an assembly needs to be repaired it must be re-tested immediately following any repairs. The owner at their own expense shall have a certified backflow prevention assembly tester conduct tests and forward the results to the City. A complete duplicate copy of any testing and/or repair shall be sent to the Backflow Administrator within ten business days of completion of test or repair. Each water service customer must maintain a complete copy of test or repair for no less than five years. All test and repair records must be maintained on forms approved by the Backflow Administrator of the City of Eden.

(15) All rubber components must be replaced every five years in every backflow prevention assembly or as often as needed, according to manufacturer's directions and components condition.

(16) Any existing backflow prevention assembly that was installed prior to the adoption of this article, which does offer the proper level of protection type for the hazard will need to be replaced. At that point the assembly shall be replaced, by the water customer, with the proper type of assembly for the current hazard classification.

A. Installation location requirements:

(1) Backflow prevention assemblies must be located in a place where it is readily accessible for regular testing, maintenance, repair, and inspection. Any water service customer's water service that is critical and cannot be shut down for annual testing or maintenance shall install parallel backflow prevention assemblies in order to maintain the continuity of water flow for testing and repair; or in the case of the assembly failing. Bypass lines parallel to a backflow prevention assembly shall have an approved backflow prevention assembly that is equal to that on the main line.

(2) No backflow preventer shall be installed in a manner by which it is subject to freezing. All above ground backflow preventers shall be installed in an ASSE standard 1060 "freeze retardant" enclosure with a minimum R value of 8.0. All above ground backflow preventers shall be installed with permanent piped electrical service to a thermostatically controlled heater or heat tape. Backflow for lawn irrigation systems may be installed with unions and an upstream shut off valve not subject to freezing. All underground piping must be installed a minimum of 12 inches below grade and must meet the requirements of underground water service piping.

Reduced pressure zone assembly (RPZ).

- a. Above ground outdoor installation is preferred and encouraged.
- b. Below ground and indoor installations are strongly discouraged, and shall only be allowed in special cases as approved by the Backflow Administrator. The vault shall have positive drainage with adequate gravity drainage to atmosphere to accommodate for the maximum discharge of the relief valve(s) on the assembly(s) and must be in a location where no portion of assembly can become submerged at any time or under any circumstances or conditions.
- c. Twelve inches minimum and a maximum of 36 inches clearance from vault floor and a minimum of 24 inches clearance from a wall or another fixture for the purpose of testing and repair.
- d. No vertical installation unless USC FCCHR approvals allow otherwise.
- e. Installation in accordance with manufacturer's recommendations.
- f. Located where it is readily accessible for regular testing, maintenance, and inspection.
- g. Must be in a location where no portion of assembly can become submerged at any time under any circumstances or conditions

Double check valve assembly (DCVA).

- a. Above ground outdoor installation is preferred and encouraged.
- b. Below ground installation is strongly discouraged, and shall only be allowed in special cases as approved by the Backflow Administrator. The vault shall have positive drainage with adequate gravity drainage to atmosphere and must be in a location where no portion of assembly can become submerged at any time or under any circumstances or conditions.
- c. Twelve inches minimum and a maximum of 36 inches clearance from vault floor and a minimum of 24 inches clearance from a wall or another fixture for the purpose of testing and repair.
- d. Vertical or horizontal installation acceptable with USC FCCHR approvals. e. Installation in accordance with manufacturer's recommendations.
- e. Located where it is readily accessible for regular testing, maintenance, and inspection.

Air gap (AG).

- a. Above ground installation only.
- b. Must be in a location where no portion of assembly can become submerged at any time under any circumstances or conditions

§ 16-53 DEGREE OF HAZARD.

A. Determination.

(1) No service shall be completed until the Backflow Administrator has been provided with information or has surveyed the private water system to determine the degree of hazard and decides the type of backflow prevention assembly needed to protect the City of Eden public water supply.

(2) Any water service customer, making any modification to the private water system's use or configuration, which may change the degree of hazard, shall notify in writing the Backflow Administrator before any modification is made. If the Backflow Administrator determines that such modification requires a greater degree of backflow prevention assembly, that assembly must be installed prior to any modification of use or configuration.

(3) If the City of Eden Backflow Administrator or his designee is unable to survey any portion of a private water system to determine the degree of hazard, due to confidential activities, a reduced pressure zone assembly will be required.

B. Degree of Hazard

(1) Health hazard: Actual or potential threat of contamination that presents an imminent danger to the public health with consequence of serious illness or death.

(2) Non-health hazard: One that presents foreseeable and significant potential for pollution, nuisance, aesthetically objectionable or other undesirable alterations of the City of Eden public drinking water supply.

C. Minimum backflow prevention assembly requirements

(1) Degree of Hazard:	RPZ or RPDA	DCVA or DCDA	AG
Health Hazard	X		X
Non-health Hazard		X	

AG = air gap

DCVA = double check valve assembly

DCDA = double check detector assembly (fire protection systems w/o chemicals or pumps)

RPZ = reduced pressure zone assembly

RPDA = reduced pressure detector assembly (fire protection systems with chemicals and/or pumps)

(2) Facilities that require a backflow prevention assembly:

a. Residential dual check valve. If no other backflow prevention assembly is specified a dual check valve assembly must be installed on all private water systems.

b. Non-health hazard.

1. Connection to tanks, lines, and vessels that handle non-toxic substances
2. Fire sprinkler systems without chemicals
3. Most commercial establishments
4. Churches
5. Other facilities as determined by the Backflow Administrator.

c. Health hazard.

1. Irrigation systems
2. Wastewater treatment plants
3. Beauty shop and salons
4. Connection to tanks, lines, boilers or vessels that handle sewage, lethal substances, toxic or radioactive substances
5. Connection to an unapproved water system or auxiliary water supply
6. Buildings with five or more stories above ground
7. Hospitals and other medical facilities
8. Morgues, mortuaries and autopsy facilities
9. Metal plating facilities.
10. Breweries, bottling plants
11. Schools, daycares and colleges
12. Bakeries, restaurants, etc.
13. Solar hot-water systems
14. Canneries
15. Battery manufacturers
16. Exterminators and lawn care companies
17. Chemical processing plants
18. Dairies
19. Film laboratories
20. Car wash facilities
21. Dye work
22. Laundries
23. Swimming pools
24. Waterfront facilities

25. Concrete/ asphalt plants
26. Airports
27. Oil and gas production, storage, or transmission facilities
28. Sand and gravel plants.
29. Furniture manufacturing plants
30. Interconnection with other water purveyor's potable water systems
31. Gas/service stations
32. Other facilities as determined by the Backflow Administrator

*This is not intended to be an exhaustive list. Any other type facilities or services not listed above may also be required to install an approved backflow prevention assembly if determined by the Backflow Administrator. All assemblies and installations shall be subject to inspection and approval by the City of Eden Backflow Administrator or his designee's.

(3) Filling of tanks/tankers or any other container from a City of Eden fire hydrant is strictly prohibited unless it has been equipped with the proper meter and approved backflow prevention assembly. The City of Eden will issue a permit for this tank/tanker or container. Any unauthorized connection to a fire hydrant is considered an illegal cross-connection to the City of Eden public water system and will be subject to penalties as set forth in the City of Eden Fee Schedule.

*Exemption: All fire apparatuses are exempt from the backflow prevention requirements only if fighting fire or training. If training they are asked to notify the City's Collection and Distribution Division. However, if fire apparatus has been used to haul non-potable water, it is to be cleaned and recertified prior to connecting to a City of Eden fire hydrant.

*All double check valve assemblies installed on irrigation systems prior to 2020 shall be allowed to remain in service until they fail and can longer be repaired. At that time, they shall be replaced with a reduced pressure principle assembly in order for the irrigation system to remain in service.

(4) Imminent hazard: If it has been determined a water service customer's private water system has an imminent hazard: the water service customer must install an approved backflow prevention assembly specified by the City of Eden Backflow Administrator and this article. This assembly must be installed within 24 hours of notification from the Backflow Administrator. If the water service customer fails to install the specified assembly within the allowed time period, water service to the water service customer's private water system will be terminated and the water service customer may be subject to civil penalties. In the event the Backflow Administrator is unable to notify the water service customer within 24 hours of determining an imminent hazard exists, the Backflow Administrator may terminate water service until the specified assembly is installed. These actions may be carried out under the Safe Drinking Water Act.

§ 16-54 NOTICE OF CONTAMINATION OR POLLUTION.

(1) In the event the water service customer's private water system becomes contaminated or polluted the water service customer shall immediately notify the City of Eden Backflow Administrator or the Collection and Distribution Superintendent.

(2) In the event the water service customer has reason to believe that a backflow incident has occurred between the water service customer's private water system and the public water system the water service customer shall immediately notify the City of Eden Backflow administrator or the Collection and the Distribution Superintendent so that appropriate actions can be taken to isolate and remove the contamination or pollution.
(Ord. passed 6-19-18)

§ 16-55 VIOLATIONS AND CIVIL PENALTIES.

A. Notification of violation

- (1) A written notice will be presented to any water service customer/person who has been found to be in violation of any part of this article.
- (2) This first notice must explain the violation and give the time period within which the violation must be corrected.

- (3) A second notice will give 30 additional days to correct all violations as required by this article.
- (4) A third notice will be a civil penalty allowing 15 more days to comply before the penalties begin.
- (5) In the event a water service customer found to be in violation of this article fails to correct the violation within the specified time or, fails to pay any civil penalties expense assessed under this article, water service will be terminated.

B. Civil and other penalties

(1) Unprotected cross-connection involving a private water system, which is of a health hazard: \$1,000.00 per day not to exceed \$10,000.00.

(2) Unprotected cross-connection involving a tank/tanker or other container hooked to a fire hydrant—\$1,000.00 per occurrence.

(3) Unprotected cross-connection involving a private water system, which is of a non-health hazard—\$500.00 per day not to exceed \$5,000.00.

(4) Any violation of the requirements and prohibitions of this Article including failure to address an unprotected cross connection is hereby declared a public nuisance and shall be corrected or abated as directed by the requirements of this Article. Any person(s) creating a public nuisance or failing to abate such shall be subject to the provisions of City Code, Chapter 6 Article II: Nuisances, governing such nuisances, including reimbursing the City of Eden for any costs incurred in removing, abating or remedying said nuisance.

(5) Submitting false records which are required by this article—\$1,000.00. Also, this will result in removal of the tester from the approved testers list. Notification of the school where the tester was certified and the tester's behavior shall be reported to the North Carolina Division of Water Resources.

(6) Failure to submit records which are required by this article—\$500.00.

(7) Failure to test or maintain backflow prevention assemblies as required by this article— \$100.00 per day up to and including termination of water service.

e. Update of the EPA Administrative Order

Mayor Hall called on Mr. Shelton.

Mr. Shelton said there had been a lengthy conference call that day with the EPA that included four staff members and two engineers on the City's end and three people with the EPA. The City would send additional information to them as a follow up to that call. The call was mostly about the EPA fact-finding and gathering more information to pass along to the higher ups at the EPA in Atlanta. The City had asked that the oversight and compliance of the administrative order be transferred to the state with the City's ability to defer some projects until they could recruit and apply for funding. In addition to that, the City would apply for an ASADRA grant and low interest loans in April. He would ask for a resolution to apply for those in March. Three contracts had been reworked, II, III and IV. They would be rebid soon. The City had negotiated with the low bidder on contracts I, V, VI and VII and the engineering firm just needed to evaluate those. A recommendation would be forthcoming and hopefully those would be awarded in the next 30 days. Contract VIII was before Council that evening for Neighborhood Pump Station Improvements and would take in Bear Slide, Fourth Street, Dogwood and Indian Hills. Two pump stations would be replaced and two would receive backup power generators. The original low bidder was \$909,349. Revisions and negotiations with the low bidder took it to \$842,049, which was \$67,300 less. He was asking Council to vote to award the contract.

Ms. Gilley added that state procurement laws allowed them to negotiate with the low bidder when it came in over budget as long as the scope of the project had not changed. It was legal.

A motion was made by Council Member Epps to award Contract VIII. Council Member Carter seconded the motion. All members voted in favor of the motion. The motion carried.

REPORTS FROM STAFF:

a. City Manager's Report.

Mr. Shelton requested it be entered in the minutes as if it had been read in its entirety.

Mayor Hall noted the Duke Energy section from the report that zero percent of ash was going into basins as of early 2019. More ash would be recycled than produced once three recycling units were opened. The EPA determined that coal ash was non-hazardous with less than one percent containing trace elements. Thousands of monitoring wells show groundwater impacts were not reaching neighborhood wells. Copies were available for the public, it could be found online and in Eden's Own Journal.

Council Member Hunnicutt said it was amazing when he read that Eden's poverty rate had dropped 25 percent since 2016. He asked who generated the number.

Mr. Dougherty replied from the census.

Council Member Carter noted there were more than 800 jobs available in the county.

City Manager's Report
January 2020

BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

INDUSTRY

Gildan Yarns

Gildan is seeking machine electricians, spinning and carding technicians, spinning and carding operators, and can haulers. There are some day shift positions, but the majority of these openings are on the night shift. Most positions are for 12-hour shifts on a 2-2-3 schedule. For more information, visit their 335 Summit Road facility.

Armor Express (Formerly KDH Defense Systems)

Armor Express has merged with KDH Defense Systems. The new company will be called Armor Express. Currently, they employ 300 people in their Eden facility. They have immediate openings for sewers, inspectors and utility workers. They offer a competitive compensation package including health and dental insurance, paid time off and 401K. Send your resume to nshreve@kdhtech.net or visit their 750A Fieldcrest Road facility.

NC Works and U.S. Census Quick facts data

- The current Rockingham County unemployment rate is 4.0%; it is 3.8% for the state and 3.5% for the U.S., the lowest rate in 50 years.
- 811 jobs are available in Rockingham County.
- Eden's poverty rate has dropped 25% since 2016 although it is higher than state average.

UNC Rockingham Health Care Implements Flu Restrictions

UNC Rockingham Health Care has implemented flu restrictions as a precaution to protect patients, families and staff from exposure to influenza. A rapid increase in flu cases in UNC Rockingham facilities and in the area prompted the decision that was made on Jan. 9.

These temporary restrictions are in place:

- Children ages 11 and younger are asked not to visit patients at UNC Rockingham Hospital or residents at UNC Rockingham Rehabilitation and Nursing Care Center.
- People who have symptoms such as fever, sore throat, cough, nasal congestion or body aches should not visit the facilities

Flu, a contagious respiratory illness, is a virus that is spread mainly by droplets that occur when people with flu cough, sneeze or talk. It can also spread by touching surfaces that may have been exposed to the virus droplets. Flu can be mild to severe and can lead to death.

The best protection against flu is to get a flu vaccine. Conditions at UNC Rockingham Health Care facilities will be monitored and restrictions will be lifted when it is determined that it is safe to do so.

MVP Pipeline

Mountain Valley Pipeline, LLC announced its proposed 74-mile interstate natural gas transmission pipeline in 2008. It is designed to meet customer demand for low-cost natural gas supply access in southern Virginia and central North Carolina. Dominion Energy North Carolina (DENC), formerly PSNC Energy, is a local natural gas distribution company that signed a long-term agreement to purchase natural gas from MVP Southgate. The North Carolina Utilities Commission has recognized MVP Southgate as the best option for meeting DENC customers' growing demand for natural gas. Project facts:

- A majority of the route is collocated along existing natural gas and electric transmission line corridors.
- Survey work has been completed on 95 percent of the route.
- A majority of the project right-of-way has been acquired.
- Construction is targeted to start in 2020.
- In-service date is projected to be 2021.
- MVP has worked collaboratively with state regulators (NCDEQ) and has determined the project would result in:
 - No permanent impact to streams in NC
 - No permanent loss of wetlands in NC
 - No crossing of the Haw River

Duke Energy

Duke Energy offered tours of its Belews Creek facility in December of 2019. Some interesting facts were provided attendees:

- Duke Energy serves 7.5 million customers impacting 23 million lives.
- Belews Creek is a 50% coal/50% natural gas facility.
- The company goal is to reduce emissions by 30% by 2030 and 100% by 2050 (although the technology does not yet exist to reach the latter goal).
- There has been a 70% reduction in ash produced by their plants over the last decade.
- 0% of ash is going into basins as of early 2019. More ash will be recycled than produced once three recycling units are opened.
- The EPA has determined that coal ash is non-hazardous with less than 1% containing trace elements.
- Thousands of monitoring wells show groundwater impacts are not reaching neighborhood wells.

Envision Career Expo

This event will expose Rockingham County seventh graders to available jobs in area companies on the RCC campus on April 2. Area companies will showcase their operations. Small business and industry will participate. Many of Eden's local industry partners have expressed interest in participating. The event will open remain open until 6 p.m. that evening for adults interested in learning more about area companies.

COMMERCIAL

Lidl

The company is finalizing a deal with a broker to represent the building. This resulted after much prodding by the City to put it on the market.

Skywalker Windows & Siding

Skywalker Windows & Siding is a full-service, family-owned home improvement solutions provider that is proud to be your contractor of choice, headquartered in Stokesdale, but formerly of Eden. They bring extensive experience in

windows replacement, vinyl siding and siding replacement, and other related services to Rockingham County and the rest of the Piedmont Triad. They have completed 15,500 projects and counting, and are proud to say that they have a 99% customer approval rating and maintain an A+ rating with the Better Business Bureau. Skywalker is one of the most respected, trusted, and awarded home improvement contractors serving Rockingham County and other areas of NC and VA. They would love to discuss how they can help meet your individual needs too. Call 336-265-9595 for more information.

Belladonna Antiques and Interiors

A shop filled with cherished interior products is located at 646 Washington Street in Eden. Owners Mark Stevens and Eddie Vernon have just the right item you will need to complete your interior home renovation. They are open Monday-Saturday and can be reached at 336-623-0984.

COMMERCIAL DISTRICTS

Old Leaksville Commercial District

Work at 620 Washington Street has ramped up dramatically. Five new apartments will be ready for rent February 6. Three apartments have been preleased. The pedestrian passage to the Bridge Street parking lot will be finished in the next phase of construction.

Family Video has announced they are closing their Bridge Street location. They are currently liquidating their inventory.

The Dancewear Boutique at 640 Washington Street has received massive upgrades. New plumbing, HVAC, flooring, lighting has been installed. Painting inside is complete and a new paint scheme for the exterior will be completed as the temperatures warm.

The Hair Company at 624 Monroe Street celebrated its 45th year in business in December. They will be recognized for this achievement at the January City Council meeting.

A CrossFit St. Paddy's Smackdown is scheduled March 24. Contestants from 10 other states have been invited to compete. Seventy-two two-person teams can compete, and most teams will bring several spectators.

Eden Downtown Development Inc.

The December EDDI meeting voted in members for the 2020-2023 term. City Council designated Phil Hunnicutt to serve as a non-voting liaison between the Board and City body. The term of office will be one year, yet the liaison may serve as many consecutive years as the Board designates.

Boulevard Merchants

The merchants have planned their 2020 calendar of events. Food Truck Rodeos are planned for April 18 and August 8, Cars and Crabs are May 23 and October 17, Halloween parade October 31, and an Adult Easter Egg Hunt April 11. A prayer walk is scheduled January 25.

Klyce Street Landing

Stairs have been installed. A concrete pad is being poured at the base and a bulkhead is being installed. Landscaping and signage should complete the project in time for spring.

Entrepreneurship Training

Main Street Manager Randy Hunt received Facilitator Certification for Entrepreneurship Mindset authorizing training for Ice House Entrepreneurship programs. This curriculum will be used in the series of entrepreneurial classes soon to be offered in a joint project with the city, county and community college.

TOURISM & EVENTS

Event Entertainers

Calling all bands! We are already planning for RiverFest 2020! If your band is interested in performing please submit an EPK or detailed information to Cindy Adams at cadams@edennnc.us. The dates for this year are

September 18 and 19. Local and regional bands will play on two stages Saturday. Thank you and we look forward to listening to your music!

Rivers & Trails Group

The Rivers & Trails Group will meet Wednesday, January 29 at 3:30 in the front conference room at City Hall located at 308 E. Stadium Drive.

Pottery Festival

We would like to invite all our talented potters to apply for our upcoming 18th Piedmont Pottery Festival that will take place Saturday, June 6. Applications can be found on ExploreEdenNC.com or can be obtained in the Tourism Office at City Hall or can be mailed to you. Please call 336-612-8049 for more information.

Heritage & Heroes

Mark your calendars now for a very exciting new event coming October 17 of 2020! More information coming soon. You do not want to miss it!

PARKS & RECREATION

Staff will conduct the Monthly Pod Cast with Mike Moore Media on Parks and Recreation on February 7 and attend a Be Healthy Rockingham County Meeting on February 12.

The City's Youth Basketball program is in full swing and players are practicing and playing at the Bridge Street Recreation Center and the Mill Avenue Gym. There are games scheduled with the Parks & Recreation teams, Eden YMCA and the Eden Boys and Girls club. Games will continue through March and will conclude with the Rockingham County Youth Basketball Tournament.

PLANNING & INSPECTIONS

Code Enforcement

Eight notices were mailed by certified mail and first class mail that affect the following number of properties: two for violation of the Non-Residential Building Maintenance Standards and two for zoning violations. Staff has reviewed the current Code Compliance Report and plan to revisit all properties listed on the report to establish the current condition of the property and proceed with the necessary action to abate the violations.

Collections

Statements were mailed to all property owners with an outstanding balance for code enforcement action. The buyer of the property at 416 Decatur Street delivered a certified check for the balance due and the Facility Maintenance Department was notified that they no longer needed to mow the property.

Unified Development Ordinance

On January 9 at a special meeting of the Eden City Council, a presentation was made regarding the process for the development and adoption of updated land use regulations for the City. The new regulations will also meet the deadline for statutory compliance with the new enabling legislation for land use planning that will be effective as of January 2021. Chad Sary from Stewart Inc. made the presentation.

Community Appearance Commission

Commission discussed possible projects and budget items for upcoming year, including: downtown banners; Draper downtown sign; downtown planters; new American flags. A representative from the Boulevard Merchants also attended to discuss possible projects for The Boulevard. Community Appearance Award went to Planet Fitness.

Historic Preservation Commission

Upcoming meeting on Jan. 13 and will discuss possible projects and budget items for upcoming year including: new historic district signs; state historic marker for Draper Speedway; historic property inventory updates. Commission also plans to adopt a resolution in support of renaming the Washington Street Park in honor of Jean Harrington.

Vacant Commercial Property Registration

Preparing second letter to send to vacant downtown property owners who did not respond to first letter. Civil penalties may be applied if property owners do not reply to this letter.

Sight Obstruction Ordinance

Codes Inspector Josh Woodall and Engineering's Kevin London have been working to make changes to the current sight obstruction triangle ordinance. They have studied other communities' ordinances and gone out and looked at various situations that would not be covered by our current sight triangle ordinance.

CONSENT AGENDA:

- a. Approval and adoption of December 17, 2019 Minutes.

A motion was made by Council Member Carter to approve the Consent Agenda. Council Member Hampton seconded the motion. All members voted in favor of the motion. The motion carried.

ANNOUNCEMENTS:

Mayor Hall announced the annual Budget Retreat set for February 22.

Council Member Hampton announced a Prayer Walk, starting at Church of the Brethren, on Saturday from 10 a.m. until noon on The Boulevard. A meal would be held at noon.

CLOSED SESSION:

- a. To preserve the attorney-client privilege between the attorney and the public body pursuant to NCGS 143-318.11(a)(3).
- b. To discuss personnel pursuant to NCGS 143-318.11(a)(6).

A five-minute recess was made before Council went into closed session.

A motion was made by Council Member Hampton to go into Closed Session. Council Member Moore seconded the motion. All members voted in favor of the motion. The motion carried.

A motion was made by Council Member Ellis to return to open session. Council Member Hampton seconded the motion. All members voted in favor of the motion. The motion carried.

ADJOURNMENT:

As there was no further business to discuss, a motion was made by unanimous consent to adjourn.

Respectfully submitted,

Deanna Hunt
City Clerk

ATTEST:

Neville Hall
Mayor

CITY OF EDEN, N.C.

A special meeting of the City Council, City of Eden, was held on Thursday, January 30 at 6 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meeting were as follows:

Mayor:	Neville Hall
Council Members:	Darryl Carter
	Gerald Ellis
	Jerry Epps
	Angela Hampton
	Phillip Hunnicutt
	Bernie Moore
	Bruce Nooe
Interim City Manager:	Terry Shelton
City Clerk:	Deanna Hunt
City Attorney:	Erin Gilley
Media:	Roy Sawyers, Rockingham Update

Mayor Neville Hall called the special meeting of the Eden City Council to order.

Consideration of a recommendation to award EPA Remediation Plan Contracts I, VI and VII to Yates Construction Company.

Mayor Hall asked Interim City Manager Terry Shelton to come forward with his presentation and recommendation.

Mr. Shelton explained that Yates Construction Company was the low bidder on all three contracts. The City had the legal right to negotiate with them and come to the revised costs on the memorandum. The work was revised in such a way that it did not compromise the integrity of reaching the objectives of the project, but it was not exactly the way that they would have preferred to have it if money were not an issue. The total for all three projects would be \$8,715,934 and that was \$1,669,125 less than the original low bidders' prices. Mark Bullins, Water and Sewer Construction Projects Manager, was present and he had worked with the engineers to get it down to a more manageable amount of money.

Mayor Hall said from his perspective, with the funding that was or was not available for this major project, they were having to go back and take out some of the things that they would like to do, that they would eventually need to do, but cannot afford to do right now. That was what resulted in this lower bid and he appreciated them whittling through and finding out what they have to do and what they can get by with waiting.

Mr. Shelton said an example of a project they had reworked was a plan to reroute a sewer line by digging and laying new line to make it more convenient either to maintain it or to get it further away from creeks or streams. They were now going to go in and line those pipes, which was a legitimate way to repair them and it should give a reasonable life expectancy to the pipes but did not address the need to remove them from a creek or across a creek or for more convenient maintenance. It did address stopping sanitary sewer overflows (SSOs) that was the objective of doing all of the work anyway. It was a compromise on cost but they would still be able to achieve the ultimate goals that they need to do.

Council Member Hunnicutt asked if there were items they were going to have to go back and revisit in just a short few years or if Mr. Shelton was comfortable that they have reengineered it to the extent that they were going to still get some reasonable life out of the improvements.

Mr. Shelton thought they will get a reasonable life expectancy out of the work but he would let Mr. Bullins address that as he had a lot of experience in the actual construction and dealing with pipes.

Mr. Bullins explained a lot of it they were relining, they were going to watertight the manhole rings and covers to prevent flooding causing overflows in the future. It would give them at least 20 years and that was what they were looking at. There were some other areas they were going to have to address that they were passing over now but they will have to address in five to 10 years. They were going to try to get everything that they can right now to immediately stop the SSOs and that was what they were working on.

Council Member Hunnicutt wanted to confirm there was nothing on the list the City would have to come back in just a short term and address again and that Mr. Bullins was comfortable that they were getting a reasonably good life out of the revalued engineer.

Mr. Bullins replied yes. There may be different lining methods and they can actually add strength to the pipe.

Council Member Moore wanted to clarify that the City would be in compliance with the EPA by doing the work.

Mr. Bullins replied they would. All of this was going before the EPA. He explained that this was what they propose to do in order to comply, it was not exactly what they want to do in order to solve other problems but it would bring them into compliance.

Council Member Nooe asked if some of the liners and things were in areas where there would be any new taps done or anything like that and would that become an issue with somebody making a proper connection to the system.

Mr. Bullins replied it was doubtful. These were on outfall lines where taps do not often occur and there were tapping methods that address the fiberglass liner. It was not his preferred thing to tap into as there can be problems with it but there were methods that can address that. He preferred using polyurea liners which were much easier to go in and tap but they would just have to see how the pricing goes and who gets the lining contracts.

Mr. Shelton added that referring to Council Member Moore's comment about the pipe lasting and addressing the EPA need, the engineering firm was certifying everything being done and putting their reputation on the line. At the end of all of this, they have to certify that they have put something in the ground that accomplishes the EPA administrative order mandate. They were making adjustments to reduce costs and also looking to be able to certify it in the end.

City Attorney Erin Gilley added that in one of the telephone conversations she was part of with the EPA, one of their main concerns in discussing taking things out or leaving them in the contracts was if that would affect the imminent issues of the SSOs to stop. The engineering firm and staff were able to say no, they addressed those major imminent emergency issues and they were still in the contracts.

Council Member Carter questioned one of the pipe issues. Plans originally talked about calling for a deeper depth behind Circle Drive-In and now they were going back at the same depth.

Mr. Bullins stated that it was going to be the same depth. There was a line in the creek that was cracked and they will have to address it where it was at, reinforce around it to protect it from the stream which was doable, it had been done before. They should get at least 20 years of life out of it if they do it and protect it properly. They were also addressing some sewers that were located under buildings that could now not be done due to funding. That was a huge savings just taking that section out so that they could actually afford to get that project underway. The project Council Member Carter was talking about in particular was in the Kuder Street basin. He noted that Park Road was a huge problem, it was a huge source of inflow. A lot of that pipe was still being replaced, manholes were being replaced, pipes being replaced, and he informed the engineering firm to redesign it because also at the same time they have a DOT project going in there at the culvert on Church Street. The culvert was going to be replaced but that project has been put off for at least another year. They were going to tie in and DOT will be doing the sewer in that short section and they will be replacing waterlines there as well. The City would tie through so the City project ties back into the existing line right there and that would be another thing they could go ahead and get that inflow out of the system now.

Council Member Carter asked if he had cameraed the lines under the buildings and there was no problem there at this time.

Mr. Bullins replied yes, the lines under the buildings can be rehabbed. There were no major issues that would cause the rehab to fail. It was fine for now. It was just something they were just going to have to put off to the future, 20 to 30 years out at this point.

Council Member Moore said that Council Member Carter had mentioned depth, he asked how deep those lines were.

Mr. Bullins replied if he recalled correctly they are between eight and 10 feet deep in that area, and they would actually be putting them deeper and reversing the fall coming from behind the drive-in restaurant and the car wash. Their goal was to actually reverse that fall and send it straight across toward the convenience store and across the circle there and get it back that way. That project was one of the things they want but they could not afford to do it at this time and still comply.

Council Member Hampton asked if the contractors tried the methods that were now giving a savings of a over a million dollars when the original estimates came out.

Mr. Bullins said that they were trying to solve problems that were created in the past in this area and to do that, they would still need to address those in the future. They were looking at savings from things being cut out that the City would like to do for its own benefit to improve the conditions of sewer for citizens and for the water and sewer customers. That was where the savings fell into place. They were not doing an ideal repair, they were doing it less than ideal so they can come into compliance and afford to do it.

Mr. Shelton added that the engineer's estimates were two to three years old at this point and the bidding environment changed dramatically. Contractors had virtually all the work that they want right now and when they bid on something he thought they bid to make a good profit on it if it was awarded to them. It was a really bad time to have to be bidding this work with the contractors in this situation and it was also evidenced in the fact that very few contractors bid on these projects. Several of them only had one bid. They were not really in a competitive mode right now as far as this goes and he thought they were indeed fortunate that Yates was willing to work with the City and actually they made suggestions that helped lower some of the things. Like Mr. Bullins said, it was not the ideal situation that they would do if everything had been fully funded. It was a compromise and it would do what they need to do.

Minutes of the special January 30, 2020 meeting of the City Council, City of Eden:

Council Member Ellis asked if they have done this in the past with other lines.

Mr. Bullins replied that these methods have been used in the past with success.

Mayor Hall pointed out with Council Member Nooe's experience as an engineer, he thought he was comfortable with the proposal. The City did negotiate with the low bidder which they could do by law so they have followed that. He was glad they were able to save what they could although they would like to have it all completely the way they would like it, there was an issue of timing. The City was up against the clock on accepting these bids or not and he doubted if there was a city in America that had a city manager that was any more of an expert on the issue than Mr. Shelton so he would definitely consider his recommendation as well as Mr. Bullins' to be a reasonable recommendation.

Council Member Moore asked if he had read that the PVC pipe was going up 10 percent after January 31.

Mr. Shelton said it was. It would actually affect the waterline project that they were working on more but there was some PVC pipe in this. It would be helpful if it was approved tonight so they could tell the contractor to go ahead and try to get the pipe before the increase.

Mr. Bullins added that there was 44,000 linear feet of PVC in this project.

Council Member Carter appreciated all that Mr. Bullins and Mr. Shelton had done to negotiate for savings and alternative methods.

A motion was made by Council Member Moore to award EPA Remediation Plan Contracts I, VI and VII to Yates Construction Company. The motion was seconded by Council Member Carter. All members voted in favor of the motion. The motion carried.

Mr. Shelton noted a correction to the last sentence of the memo for the recommendation, that Council was asked to "decline to accept any bid for contracts II, III, VI and V, which will allow us to return the bid bonds to these bidding contractors." The VI should be IV instead.

A motion was made by Council Member Epps to release the bonds for contracts II, III, IV and V. Council Member Angela Hampton seconded the motion. All members voted in favor of the motion. The motion carried.

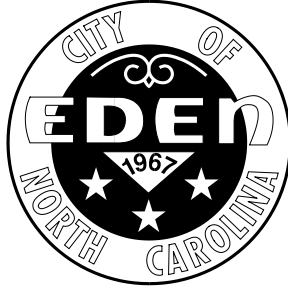
As there was no further business to discuss, a motion was made by unanimous consent to adjourn.

Respectfully submitted,

Deanna Hunt
City Clerk

ATTEST:

Neville Hall
Mayor



To: Honorable Mayor and City Council

Thru: Terry Shelton, Interim City Manager

From: Amy P. Winn, CPA
Assistant Director of Finance

Date: February 18, 2020

Re: Budget Amendment # 6

A delivery truck for one of the contractors for the Wastewater Treatment project caught the edge of the hoist and beam that extends out from the roof of the building. This caused the beam to be bent and ripped the electrical lines off of the end. A specialty company had to come in to temporarily repair the lines and then they replaced the section of the beam that was bent along with the electrical lines. The City received insurance proceeds to cover this repair and this budget amendment allocates those proceeds to the Wastewater Treatment M/R Buildings line item.



MEMORANDUM

To: Honorable Mayor and City Council
Thru: Terry Shelton, Interim City Manager
From: Amy P. Winn
Assistant Director of Finance
Date: February 18, 2020
Subject: Budget Amendment # 6

	Account #	From	To	Amount
Water & Sewer Fund Revenues				
W/S Insurance Proceeds	30-3850-85000	\$ -	\$ 7,300.00	<u>\$ 7,300.00</u>
Water & Sewer Fund Expenditures				
W/S Waste Treatment M/R Buildings	30-7130-35100	\$ 2,700.00	\$ 10,000.00	<u>\$ 7,300.00</u>

Appropriates insurance proceeds for damage of a hoist caused by contractor.

Adopted and effective this 18th day of February, 2020.

Attest:

Deanna Hunt, City Clerk

Neville Hall, Mayor



To: Honorable Mayor and City Council
Thru: Terry Shelton, Interim City Manager
From: Amy P. Winn, CPA
Assistant Director of Finance
Date: February 18, 2020
Re: Budget Amendment # 7

When the City purchases vehicles with installment purchases, it is required to show the loan proceeds as revenue and the payment to the vendor as an expenditure in the financial statements. The attached amendment increases the General Fund revenue line item "loan proceeds" and also increases the Street Department Capital Outlay – Vehicles and the Street Department Capital Outlay – Off Road Equipment line items for the following installment purchases:

1. The purchase of an additional service truck for Public Works that was approved by the city manager in July 2019.
2. The purchase of a John Deere tractor to replace the 2006 John Deere tractor that was totaled while being transported for repairs.



MEMORANDUM

To: Honorable Mayor and City Council
Thru: Terry Shelton, Interim City Manager
From: Amy P. Winn
Assistant Director of Finance
Date: February 18, 2020
Subject: Budget Amendment # 7

	Account #	From	To	Amount
General Fund Revenues				
Loan Proceeds	10-3580-86000	\$ 1,001,800.00	\$ 1,146,500.00	<u>\$ 144,700.00</u>
General Fund Expenditures				
Street C/O Vehicles	10-4510-55000	\$ -	\$ 30,600.00	\$ 30,600.00
Street C/O Off Road Equipment	10-4510-56000	\$ -	\$ 114,100.00	<u>\$ 114,100.00</u>
				<u>\$ 144,700.00</u>

Appropriates loan proceeds for the purchase of service truck and tractor for the Street Department.

Adopted and effective this 18th day of February, 2020.

Attest:

Deanna Hunt, City Clerk

Neville Hall, Mayor



To: Honorable Mayor and City Council

Thru: Terry Shelton, Interim City Manager

From: Amy P. Winn, CPA
Assistant Director of Finance

Date: February 18, 2020

Re: Budget Amendment # 8

In June 2019, the Street Department skid steer was totaled while working on the Bridge Street Force Main Stabilization project. The attached budget amendment allocates the insurance proceeds to the Street Department C/O – Equipment line item in which a replacement skid steer was purchased.



MEMORANDUM

To: Honorable Mayor and City Council
Thru: Terry Shelton, Interim City Manager
From: Amy P. Winn
Assistant Director of Finance
Date: February 18, 2020
Subject: Budget Amendment # 8

	Account #	From	To	Amount
General Fund Revenues				
GF Insurance Proceeds	10-3850-85000	\$ 8,000.00	\$ 53,200.00	<u>\$ 45,200.00</u>
General Fund Expenditures				
Streets C/O Equipment - Depreciable	10-4510-57000	\$ 70,000.00	\$ 115,200.00	<u>\$ 45,200.00</u>

Appropriates insurance proceeds for damaged Skid Steer.

Adopted and effective this 18th day of February, 2020.

Attest:

Deanna Hunt, City Clerk

Neville Hall, Mayor



MEMORANDUM

To: Honorable Mayor and City Council

Thru: Terry Shelton, City Manager

From: Tammie B. McMichael, Director of Finance and Personnel

Date: February 18, 2020

Subject: Award of Audit Contract FY 19-20

I am seeking approval for the FY 19-20 Audit Contract. Please find attached an audit contract submitted by Rouse, Rouse, Rouse & Gardner, LLP for year ending June 30, 2020. The contract amount is \$53,260.00. If City Personnel completes the items listed in the contract, the amount will be reduced to \$47,485.00. City Personnel will complete the items listed. This is a 5.0% increase when compared to what we paid last year \$45,130.00.

The Rouse's and their staff have been doing the city's audit for 39 years. Their love and compassion for the City of Eden shows in their willingness to assist in any way that they can to make sure the city's finance department operates in the most efficient and effective way to provide accurate financial information. They have always been very faithful and dedicated to the city. We call on them for assistance with day-to-day questions that come up or for special projects. They never bill us for anything extra. It is very nice to know that we have someone we can call anytime, and they always have time for us. If they do not have the answer immediately, they never refer us to someone else. They always take the time to make telephone calls on the city's behalf. They look after the city's best interest in making sure that we get the answers that we need. They keep us updated on Governmental Accounting Standards Board and Internal Revenue updates. They also keep us updated on any classes/seminars that they feel would be beneficial to the finance staff. Based on their experience and dedication along with the city's long time desire to do business locally; I cannot make a better recommendation than to award the 19-20 audit contract to Rouse, Rouse, Rouse & Gardner.

The Governing Board
 City of Eden
 of Primary Government Unit (or charter holder)
 City of Eden
 and Discretely Presented Component Unit (DPCU) (if applicable)

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

and Auditor Name
 Rouse, Rouse, Rouse & Gardner, LLP
 Auditor Address
 PO Box 2152, Eden, NC 27289-2152

Hereinafter referred to as Auditor

for	Fiscal Year Ending 06/30/20	Audit Report Due Date 10/31/20
	<i>Must be within four months of FYE</i>	

hereby agree as follows:

- 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 be subjected 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).
 - At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the State Single Audit Implementation Act, the Auditor shall perform a 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 performed under the requirements found in Subpart F of the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).
- 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 Accounting 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 four months of fiscal year end. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay 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.
 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 (Units') records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is not required on 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 along with an Audit Report Reissued Form (available on the Department of State Treasurer website). 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, 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, on the Amended LGC-205 contract form and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to charter schools or 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, the Governing Board, and the Auditor.
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 28 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 parent 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 charter schools or 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. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and Governmental Auditing Standards, 2018 Revision (as applicable). Financial statement preparation assistance 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 charter school contracts only: No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions.
29. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See item 16 for clarification).
30. 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/slg/Pages/Audit-Forms-and-Resources.aspx>.
31. 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.
32. 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 *Governmental 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: Title and Unit / Company: Email Address:

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. Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees below. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year billings. Should the 75% cap provided below conflict with the cap calculated by LGC staff based on the prior year billings on file with the LGC, the LGC calculation prevails. All invoices for services rendered in an audit engagement as defined in 20 NCAC 3 .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 FEES

Primary Government Unit	City of Eden
Audit Fee	\$ 37,925 (See attachment, if A. applies) 41,700
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$
Writing Financial Statements	\$ 11,560
All Other Non-Attest Services	\$
75% Cap for Interim Invoice Approval <i>(not applicable to hospital contracts)</i>	\$

DPCU FEES (if applicable)

Discretely Presented Component Unit	
Audit Fee	\$
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$
Writing Financial Statements	\$
All Other Non-Attest Services	\$
75% Cap for Interim Invoice Approval <i>(not applicable to hospital contracts)</i>	\$

SIGNATURE PAGE

AUDIT FIRM

Audit Firm*	Rouse, Rouse, Rouse & Gardner, LLP	
Authorized Firm Representative (typed or printed)*	R. Rex Rouse, Jr. CPA	Signature* <i>R. Rex Rouse, Jr.</i>
Date*	2-5-20	Email Address* <i>Judy C Rouse @ EmBk&O Rtlc, Com</i>

GOVERNMENTAL UNIT

Governmental Unit*	City of Eden	
Date Primary Government Unit Governing Board Approved Audit Contract* (G.S.159-34(a) or G.S.115C-447(a))		
Mayor/Chairperson (typed or printed)*		Signature*
Date		Email Address

Chair of Audit Committee (typed or printed, or "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.

Primary Governmental Unit Finance Officer* (typed or printed)		Signature*
Date of Pre-Audit Certificate*		Email Address*

SIGNATURE PAGE – DPCU
(complete only if applicable)

DISCRETELY PRESENTED COMPONENT UNIT

DPCU*	
Date DPCU Governing Board Approved Audit Contract* (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
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.

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

Rouse, Rouse, Rouse & Gardner, L.L.P.

Certified Public Accountants



R. Rex Rouse, Jr., CPA
Judy G. Rouse, CPA
Victor B. Rouse, CPA/PFS
Trevor C. Gardner, CPA

We have attached certain procedures normally completed by City Personnel by August 15. Under these guidelines our fee will be \$41,700. (B)

However, if in addition to these items, all of the following items are accurately completed by City Personnel by September 15, 2019 our fee will be \$37,925. (A)

- a. Fixed asset records must be accurately prepared and all additions must be balanced with the general ledger. Depreciation schedules including infrastructure records must be prepared in accordance with GASB 34.
- b. The tax collections as recorded in the general ledger must be agreed to the year-end county collection report.
- c. The Powell Bill report must be timely filed and accurately prepared.
- d. Investment interest schedule must agree to the General Ledger balances.

In the event that the City of Eden prepares the financial statements, including the footnotes and supplemental schedules (as it normally does), the fee shall be discounted by an \$2,000. In the event that the City of Eden prepared the financial statements and the supplemental schedules but not the footnotes, the fee shall be discounted by \$1,000.

In the event that the City requests any additional services beyond the scope of the audit, our fees will be agreed to prior the commencement of the additional services. It is anticipated that we would bill these services at our standard hourly rate.

Standard Hourly Rate:

Partner	\$100.00
Audit Manager	\$ 85.00
Staff Accountants	\$ 60.00



MEMORANDUM

To: Honorable Mayor and City Council
Thru: Terry Shelton, Interim City Manager
From: Amy P. Winn, Assistant Director of Finance
Date: February 18, 2020
Subject: Garbage Truck - Financing for 5 years

In the 2019-2020 Budget, City Council approved the purchase of a garbage truck for the Solid Waste Department and it has been set up in the budget to be financed. On February 5, 2020, I requested bids from our local banks for the financing and received the following quote:

BB&T	2.15%
First National Bank	2.06%
United Financial (Home Trust)	2.14%

The total cost of the equipment is \$299,933 which is within the budgeted amounts. I respectfully ask that Council approve First National Bank as the successful bid for financing.

If you have any additional questions, please do not hesitate to ask.

Note Model Statement

Date Quoted: Feb 10, 2020
 Product: Product Not Defined
 Interest Method: [1] 365/365 Payments P&I

Note Date: Feb 24, 2020
 Maturity Date: Feb 24, 2025

Principal Advance: \$299,933.00

Amount Financed: \$299,933.00
 Finance Charge: \$18,808.77
 APR: 2.060000%

Total Principal: \$299,933.00
 Total Interest: \$18,808.77
 Total of Payments: \$318,741.77

Payment Schedule

Description	Date	Frequency	Number	Amount
Regular Payment	Feb 24, 2021	Annually	4	\$63,748.36
Regular Payment	Feb 24, 2025	Annually	1	\$63,748.33



Economic Development Department

February 12, 2020

To: Honorable Mayor and City Council
Thru: Terry Shelton, Interim City Manager
From: Mike Dougherty, Director of Economic Development
Re: February 18, 2020 Closed Session Request

Time is requested for a Closed Session at the end of the February 18, 2020 Eden City Council meeting to discuss an economic development project. Please let me know if you have any questions concerning this request. Thank you.