

**EDEN CITY COUNCIL
REGULAR MEETING AGENDA
Council Chambers
308 E. Stadium Drive
November 19, 2019
6:00 p.m.**

1. Meeting called to order by: Neville Hall, Mayor
2. Invocation: Rev. Colston Morris, St. John United Methodist Church
3. Pledge of Allegiance: Led by Fire Chief Tommy Underwood
4. Presentations & Proclamations:
 - a. Proclamation – Small Business Saturday
5. Roll Call:
6. Set Meeting Agenda:
7. Public Hearings:
 - a. Consideration and approval of an incentive package for Gildan, appropriating an amount not to exceed \$91,131 from the General Fund to be distributed to the company in annual installments following the project parameters.
Mike Dougherty, Director of Economic Development
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
10. New Business:
 - a. Consideration and approval of a façade grant program for historic and at-risk properties.
Mike Dougherty, Director of Economic Development
 - b. Consideration and approval to allocate Strategic Planning Commission funding to (1) create and adopt a Unified Development Ordinance; (2) to purchase four water fountains for Morehead High School; (3) for a Reynolds Brewery façade grant; and (4) for the creation of a Smith River otter habitat. **Kelly Stultz, Director of Planning & Inspections and Mike Dougherty, Director of Economic Development**
 - c. Consideration to accept a bid on the sale of property located at 416 Decatur Street.
Kelly Stultz, Director of Planning & Inspections
 - d. Consideration to adopt an ordinance for the demolition of a structure at 105 Periwinkle Road under the City’s Human Habitation Ordinance. **Kelly Stultz, Director of Planning & Inspections**
 - e. Consideration to adopt an ordinance for the demolition of a structure at 305 Victor Street under the City’s Human Habitation Ordinance. **Kelly Stultz, Director of Planning & Inspections**
 - f. Consideration to adopt an ordinance for the demolition of a structure at 605 Early Avenue under the City’s Human Habitation Ordinance. **Kelly Stultz, Director of Planning & Inspections**

- g. Consideration to adopt an ordinance for the demolition of a structure at 626 Patterson Street under the City’s Human Habitation Ordinance. **Kelly Stultz, Director of Planning & Inspections**
 - h. Consideration to adopt an ordinance for the demolition of a structure at 110 Dameron Street under the City’s Human Habitation Ordinance. **Kelly Stultz, Director of Planning & Inspections**
 - i. Consideration and approval to change oversight of the city attorney.
Terry Shelton, Interim City Manager
 - j. Consideration to adopt five new policies (1) oversight of the manager’s travel and discretionary expenditures; (2) annual review of the city manager; (3) monthly voucher list to Council; (4) annual review of the city clerk; and (5) annual review of the city attorney; and to revise one policy (6) requirement for direct deposit.
Terry Shelton, Interim City Manager
 - k. Consideration to amend to City Code Chapter 10, Personnel Ordinance (5.5 Employment of Relatives). **Terry Shelton, Interim City Manager**
11. Reports from Staff:
- a. City Manager’s Report. **Terry Shelton, Interim City Manager**
12. Consent Agenda:
- a. Approval and adoption of the (1) October 8, 2019 and the (2) October 15, 2019 minutes.
Deanna Hunt, City Clerk
 - b. Approval of an amended contract between the Eden Fire Department and Rockingham County to provide fire protection. **Tommy Underwood, Fire Chief**
 - c. Approval of an Interlocal Solid Waste Disposal Agreement with Rockingham County.
Erin Gilley, City Attorney
 - d. Approval and adoption of a resolution authorizing the disposal of personal property by public auction. **Paul Dishmon, Director of Municipal Services**
 - e. Approval of Budget Amendment #2. **Tammie McMichael, Director of Finance & Personnel**
 - f. Approval of Budget Amendment #3. **Tammie McMichael, Director of Finance & Personnel**
 - g. Approval of Budget Amendment #4. **Tammie McMichael, Director of Finance & Personnel**
 - h. Approval of Budget Amendment #5. **Tammie McMichael, Director of Finance & Personnel**
 - i. Approval of financing for the purchase of two service trucks.
Tammie McMichael, Director of Finance & Personnel
13. Announcements:
14. Adjourn:



PROCLAMATION SUPPORTING SMALL BUSINESS SATURDAY

WHEREAS, The City of Eden recognizes local small businesses and the contributions they make to our local economy; and

WHEREAS, there are currently 30.2 million small businesses in the United States, representing 99.7 % of all businesses with employees, and small businesses are responsible for 65.9 % of net new U.S. jobs from 2000-2017; and

WHEREAS, small businesses employ 47.5 % of workers in the private sector in the United States; and

WHEREAS, 96% of consumers who plan to shop on Small Business Saturday said the day inspires them to go to small, independently-owned retailers or restaurants that they have not been to before or would not have otherwise visited; and

WHEREAS, 92% of companies planning promotions on Small Business Saturday said the day helps to promote their business during the busy holiday shopping season; and

WHEREAS the City of Eden supports our local businesses that create jobs, boost our local economy, and improve the value of and preserve our community; and

WHEREAS, advocacy groups across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday;

NOW, THEREFORE, BE IT RESOLVED, that the Eden City Council does hereby proclaim Saturday, November 30, 2019 as

Small Business Saturday

This the 19th day of November, 2019

Neville Hall, Mayor

ATTEST:

Deanna Hunt, City Clerk



Economic Development Department

November 8, 2019

To: The Honorable Mayor and Eden City Council

Thru: Terry Shelton, City Manager

From: Mike Dougherty, Director of Economic Development

Re: Public Hearing

Time is requested at the November 19, 2019 City Council meeting to hold a public hearing on the incentive package for Gildan. The City Council will consider approval of an appropriation from its general fund in an amount not to exceed \$91,131 which will be distributed to the company in annual installments following the project parameters.

The consideration for such incentive package shall be a contractual obligation by Gildan to invest up to \$4.5 million in net new taxable machinery and equipment and building improvements following the parameters outlined in the performance agreement. Gildan agrees to maintain the net new taxable machinery and equipment by December 31, 2020 and ending December 31, 2025 following project parameters.

The Company also agrees to create up to 75 full-time positions following the project parameters as outlines in the company performance agreement. The Company also agrees to maintain these full-time positions through direct employment beginning by December 31, 2020 and ending December 31, 2025 following the project parameters. It is anticipated that the investment will generate increased tax base and other revenues.

Please let me know if you have any questions concerning this public hearing.

**PERFORMANCE AGREEMENT
BETWEEN
LOCAL GOVERNMENTS
AND
GILDAN YARNS, LLC**

DATE: _____, 2019

COMMUNITY: Rockingham County (“County”), and the City of Eden (“City”), with both Parties being referred to collectively as the “Community”
P.O. Box 101
Wentworth, NC 27375

COMPANY: Gildan Yarns, LLC
2121 Heilig Road
Salisbury, NC 28146

ECONOMIC INCENTIVE PURPOSE

Expansion of the Local Economy. Incentives agreed to be paid by the Community under this Performance Agreement (“Agreement”) are in consideration of the Company locating or expanding within the County and City industrial enterprise described herein which will result in the creation of new basic employment jobs paying at or above the average median wage along with new taxable capital investments.

Basic Employment Jobs. "Basic employment jobs," for purposes of this Agreement are defined as jobs which are associated with activities that generate income from the sales of products and services in markets outside of the Rockingham County economy. Basic employment jobs have a multiplier effect creating additional jobs within the local economy. (A relevant study by the

Piedmont Triad Council of Governments indicated that each basic employment job created within Rockingham County results in the generation of 2.9 additional jobs within the County's economy.)

Source of Funding. The amount of the County and City expenditures under this Agreement have been calculated by reference to the Net New Taxable Value of the Company's investments, but may be funded from any revenue sources, in the individual discretions of the County and the City.

Net New Taxable Value. "Net new taxable value," for purposes of this Agreement, is defined to be that increase in the total tax value of the Location real estate and improvements listed with the Rockingham County Tax Department over and above its current value of \$2,109,226 for real property and \$18,831,794 for personal property, less depreciation, which is new to the economy of Rockingham County and the City of Eden. The current tax value of the real estate and improvements thereon and the personal property will not constitute Net New Taxable Value. Under this definition, "net new taxable value" would exclude any value, which, by whatever means, is removed from another situs within Rockingham County to the Location. Also excluded from this definition, would be any increase in tax value resulting from revaluation of real estate or improvements existing at the time this Agreement is executed; however, any net increase in taxable market value of the Location resulting from improvements located thereon after the execution of this Agreement by all parties would be included.

TOTAL INCENTIVE PACKAGE

The Community and Company have agreed to enter into the following Performance Agreement. The Community is offering to the Company a total incentive of \$195,131. The Company shall be eligible to receive \$104,000 in incentives from Rockingham County and \$91,131 in incentives from the City of Eden. In return, the Company agrees to meet certain industrial investment and employment performance standards outlined below in Article 2. If the Company meets all industrial investment and employment performance standards, then it shall receive the full amount of yearly financial incentives offered by the Community. If the Company fails to meet a portion of its investment or employment performance standards, then the incentive payable shall be calculated as referenced in Article 4, Section C below.

1. SUMMARY OF COMMUNITY INCENTIVES

- A. COUNTY INCENTIVES FOR MACHINERY, EQUIPMENT AND BUILDING IMPROVEMENTS:** Assuming Company also meets its employment qualification set out in Article 2, Section B below, the County agrees to pay for Eligible Costs in an amount not to exceed \$104,000. As used herein, "Eligible Costs" shall consist of the costs of machinery, equipment, and new building construction incurred by the Company at the location described in Article 1, Section B below in connection with the investment described in Article 2, Section A below, such project has been approved by the Rockingham County Board of Commissioners. The County will reimburse the Company for such Eligible Costs over a 5-year period. The first annual installment of \$23,491 shall be made by May 31, 2021. The second annual installment of \$22,268 shall be made by May 31, 2022. The third annual installment of \$20,892 shall be made by May 31, 2023.

The fourth annual installment of \$19,363 shall be made by May 31, 2024. The fifth annual installment of \$17,987 shall be made by May 31, 2025.

B. CITY INCENTIVES FOR MACHINERY, EQUIPMENT AND BUILDING IMPROVEMENTS: Assuming Company also meets its employment qualification set out in Article 2, Section B below, the City agrees to pay for Eligible Costs in an amount not to exceed \$91,131. As used herein, “Eligible Costs” shall consist of the costs of machinery, equipment and new building construction incurred by the Company at the location described in Article 1, Section B below in connection with the investment described in Article 2, Section A below, such project has been approved by the Eden City Council. The City will reimburse the Company for such Eligible Costs over a 5-year period. The first annual installment of \$20,584 shall be made by May 31, 2021. The second annual installment of \$19,512 shall be made by May 31, 2022. The third annual installment of \$18,307 shall be made by May 31, 2023. The fourth annual installment of \$16,967 shall be made by May 31, 2024. The fifth annual installment of \$15,761 shall be made by May 31, 2025.

C. LOCATION: The Project (as defined below) is located at 335 Summit Road, Eden NC, an existing industrial facility (also known as the “Plant Site”), situated on a 21.60-acre tract, Eden, Rockingham County, North Carolina 27288. The Parcel ID Number is 108180 (7080-20-67-7565-00).

2. INDUSTRIAL INVESTMENT AND EMPLOYMENT AGREEMENT

A. INVESTMENT QUALIFICATION: The Company agrees for the benefit of the County and the City to invest at the Location a minimum of \$4,500,000 in Net New Taxable Value in machinery and equipment and building improvements by December 31, 2020.

The Company agrees to make timely filings to the Rockingham County Tax Assessor such that all of the taxable machinery and equipment owned by it at the Location shall be properly listed as personal property and all building improvements listed as real property no later than January 31 of the calendar year following its installation or construction at the Project Location. Specifically, the Company agrees that it will invest and list the \$4,500,000 in taxable machinery and equipment and building improvements in 2020 no later than January 31, 2021, or such later date as authorized by statute or in writing by the Tax Assessor.

The Company stipulates that such taxable machinery and equipment listed as personal property with the office of the Rockingham County Tax Assessor shall be depreciated using the Cost Index and Depreciation Schedules developed by the North Carolina Department of Revenue. The \$4,500,000 of taxable machinery and equipment and building improvements invested by the Company in 2020, less Allowable Depreciation for such taxable machinery and equipment, shall be maintained through December 31, 2025. The machinery, equipment and building improvements may be referred to herein as the “Project” at the site identified in Article 1, Section C above.

- B. EMPLOYMENT QUALIFICATION:** The Company agrees for the benefit of the County and the City to create, fill, and maintain an employment level of 75 full-time positions by December 31, 2020. The Company agrees to maintain these full-time positions through direct employment beginning December 31, 2020 and ending December 31, 2025. Full-time positions shall mean positions in which an employee is employed for a minimum of 52 weeks and 2080 hours (with the usual adjustments for vacation, sick leave and personal time) during the course of each year January 1 through December 31 at an average annual wage of \$35,360 and provided with a medical benefits plan by the Company. It is understood that the Company will report to the Community the number of full-time employees it has on the payroll as of December 31 of each year. This report shall be filed with the Community on or before January 31 of the following year. The calculation of financial incentives shall be based on the number of full-time employees as reported and amounts of capital investments resulting in Net New Taxable Value, as reported pursuant to Article 2, Section A above. It is understood that the amount of financial incentives paid will be subject to reductions pursuant to the formula set forth in Article 4, Section C below.
- C. LOCAL ZONING QUALIFICATION:** The Company agrees to certify that there are no pending violations of the state building code or local zoning ordinances and payment of sums due under this Agreement is conditioned on compliance by the Company with all such building codes and zoning ordinances.
- D. STATUTORY COMPLIANCE:** The Company understands that County and City participation is contingent upon compliance by the County and City with N.C. General Statute 158-7.1.
- E. BINDING EFFECT:** This Agreement and the obligations of performance contained herein shall be binding upon the Company and its successors and assigns, as a continuing contract pursuant to N.C. General Statute 153A-13 as to the County and 160A-17 as to the City.

3. PROOF AND CERTIFICATION

Community and Company officials agree to furnish to the other any reports and certificates with supporting documentation reasonably necessary to verify that each is performing its obligations under this Agreement. Once the Company meets its investment and employment goals, it will no longer be obligated to provide such access to its records or furnish such reports and certificates.

4. REMEDY

- A. COMPANY:** In the event of the Community's breach or threatened breach of any provision of this Agreement, Company shall be entitled, if it so elects, to institute and prosecute proceedings in any court of competent jurisdiction, either in law or in equity to enforce the specific covenants herein.
- B. OFFSET:** The Community reserves the right to suspend or reduce any payment due to the Company under this Agreement if any water and sewer charges, ad valorem taxes,

assessments or other financial obligations lawfully incurred by the Company and payable to the County and/or the City are not current. In the event that the Company ceases operation at the Location, this Agreement shall become null and void with no further incentive payments to be made to the Company by the County or City.

- C. **COMMUNITY:** If the Company does not meet and maintain the investment and employment requirements set forth in Article 2 above, within the timetable set forth in this Agreement, then the Company agrees to a reduction by the County and the City of Eden the pro rata share of the sum \$195,131 offered as a financial incentive to reimburse Eligible Costs under this Agreement that has not been earned and to have its annual installments reduced by the Community until such time that the Company is in compliance. Any pro rata adjustment of annual incentive payments shall be based 50% on the Company's Investment Qualification and 50% on the Company's Employment Qualification (For example: if the actual new investment is 10% less than the Investment Qualification, and the actual new employment is 20% less than the Employment Qualification, then the annual incentive payment would be reduced by 15%. Or, if the actual new investment meets the Investment Qualification, but actual employment is 20% less than the Employment Qualification, then the annual incentive payment would be reduced by 10%); provided, however, that the incentive paid to the Company by either the County or the City under this Agreement in any year of performance shall not exceed the amount of ad valorem taxes paid to such entity for net new taxable value invested by the Company for such year. If in any year during the term of this Agreement, the Company terminates all operations in the Facility all future financial incentive payments shall be suspended and the Community shall have no obligation to pay any financial incentive payments. The remedies set forth in this Section C shall be the sole and exclusive remedy of the Community and the sole and exclusive obligation of the Company in the event the Company does not meet and maintain the investment set forth in Article 2 or otherwise fails to comply with the terms of this Agreement.

5. **REPRESENTATIONS AND WARRANTIES**

- A. **Community's Representations:** Each Community entity represents for itself (but not for the other), as follows:
- (i) The Community (1) has full power and authority to enter into this Agreement, and to enter into and carry out the transactions contemplated by this Agreement; (2) by proper action has duly authorized the execution and delivery of this Agreement; and (3) is not in default under any provisions of this Agreement.
 - (ii) The Community has duly authorized, executed and delivered this Agreement, and this Agreement constitutes the Community's legal, valid and binding obligation, enforceable in accordance with its terms.
 - (iii) To the Community's knowledge, there is no litigation or proceeding pending or threatened against the Community or affecting it which would adversely affect the validity of this Agreement.
 - (iv) The Community is not in default under any provision of State Law, which would affect its existence, or its powers as referred to in subsection (i).

- (v) No member, director, officer or official of the Community has any interest (financial, employment or other) in the Company or the transactions contemplated by this Agreement.
- (vi) With respect to this Agreement, County and City have complied fully and shall comply fully with all requirements of N.C. General Statute 158-7.1.

B. Company's Representations: The Company represents as follows:

- (i) The Company (1) is a legal entity duly constituted and in good standing under the laws of North Carolina (2) is duly qualified to transact business and is in good standing in the State of North Carolina; (3) is not in violation of any provision of its Certificate of Incorporation or its Bylaws; (4) has full corporate power to own its properties and conduct its business; (5) has full corporate power and authority to enter into this Agreement and to enter into and carry out the transactions contemplated by this Agreement; (6) by proper corporate action has duly authorized the execution and delivery of this Agreement; and (7) is not in default under any provision of this Agreement.
- (ii) Its execution and delivery of this Agreement neither conflicts with, nor will result in a breach of or default under or will result in the imposition of any lien on its property pursuant to its Articles of Organization or its Operating Agreement or, to the best of the its knowledge, the terms, conditions or provisions of any statute, order, rule, regulation, agreement or instrument to which it is a party or by which it is bound.
- (iii) It has duly authorized, executed and delivered this Agreement, and this Agreement constitutes its legal, valid and binding obligation, enforceable in accordance with its terms.
- (iv) There is no litigation or proceeding pending or, to its knowledge, any threatened against such Company, which would adversely affect the validity of this Agreement.

6. MISCELLANEOUS PROVISIONS

- A. Assignments:** No party shall sell or assign any interest in or obligation under this Agreement without the prior express written consent of all the parties. Provided, however, that this Agreement may be assigned by the Company to a wholly owned subsidiary of the Company, without the consent of all other parties, provided that the Company will guarantee the performance by the subsidiary of the obligations due under this Agreement.
- B. Governing Law:** The parties intend that this Agreement shall be governed by the law of the State of North Carolina.
- C. Notices:**
 - (i) Any communication required or permitted by this Agreement must be in writing except as expressly provided otherwise in this Agreement.

- (ii) Any communication shall be sufficiently given and deemed given when delivered by hand or five days after being mailed by first-class mail, postage prepaid, and addressed as shown above on page 1 of this Agreement.
 - (iii) Any communications hereunder sent to the County or the City, shall also be sent to each of the other.
 - (iv) Any addressee may designate additional or different addresses for communications by notice given under this Section to each of the others.
- D. Non-Business Days.** If the date for making any payment or the last day for performance of any act or the exercising of any right shall not be a Business Day, such payment shall be made or act performed or right exercised on or before the next preceding Business Day.
- E. Severability.** If any provision of this Agreement shall be determined to be unenforceable, that shall not affect any other provision of this Agreement.
- F. Entire Agreement; Amendments.** This Agreement constitutes the entire contract between the parties, and this Agreement shall not be changed except in writing signed by all the parties.
- G. Binding Effect.** Subject to the specific provisions of this Agreement, this Agreement shall be binding upon and inure to the benefit of and be enforceable by the parties and their respective successors and assigns.
- H. Time.** Time is of the essence in this Agreement and each and all of its provisions.
- I. Liability of Officers and Agents.** No officer, agent or employee of the County, the City, or the Company shall be subject to any personal liability or accountability by reason of the execution of this Agreement or any other documents related to the transactions contemplated hereby. Such officers, agents, or employees shall be deemed to execute such documents in their official capacities only, and not in their individual capacities. This Section shall not relieve any such officer, agent or employee from the performance of any official duty provided by law.
- J. Counterparts.** This Agreement may be executed in several counterparts, including separate counterparts. Each shall be an original, but all of them together constitute the same instrument.

[Signature Page Follows]

GILDAN YARNS, LLC

(SEAL)

By: _____ Date

Title

NORTH CAROLINA

_____ **COUNTY**

I, _____, a Notary Public of said county and state do hereby certify that _____ personally came before me this day and acknowledged that he/she is _____ of **GILDAN YARNS, LLC**, a North Carolina Company, and that he/she as _____, being authorized to do so, executed the foregoing instrument on behalf of the Company.

Witness my hand and official seal, this the _____ day of _____, 2019.

(OFFICIAL SEAL)

Notary Public

My commission expires:

ROCKINGHAM COUNTY

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Officer

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY.**

JOHN M. MORRIS, COUNTY ATTORNEY

CITY OF EDEN

"This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Officer

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY.**

ERIN GILLEY, CITY ATTORNEY



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, City Manager
FROM: Kelly K. Stultz, AICP, Director
SUBJECT: **206 Warehouse Street**
DATE: November 12, 2019

At the September regular meeting of the City Council, an item was considered regarding property located at 206 Warehouse Street. The property is owned by Piedmont Folk Legacies. Louise Price appeared on behalf of Piedmont Folk Legacies. She sought relief from the nuisance action.

At that time, the City Council gave her 60 days to create a plan for cleanup of the property. Councilman Burnette and I met with Mrs. Price at the site. We discussed improvements that would be necessary for the property to come into compliance. She had volunteers with her at the meeting and they plan to clear the site. She was specifically told to clear away any overgrowth, not including actual trees, vines and debris. My department will monitor progress.

If you have questions, please contact this office.



Economic Development Department

November 8, 2019

To: The Honorable Mayor and Eden City Council

Thru: Terry Shelton, Eden City Manager

From: Mike Dougherty, Director of Economic Development

Re: Façade grant for Historic and At-Risk properties

The following is requested to be included under New Business at the November 2019 Eden City Council meeting:

Background

During the last several years, the City of Eden has been faced with the disposition of neglected residential and commercial properties. 241 The Boulevard was stabilized by the City at a cost of over \$100,000. Less than \$15,000 was recovered upon the property sale. 622 Washington Street is an example of a property that was partially demolished with the owner unwilling or unable to rehabilitate the structure. The City was fortunate to obtain a state grant to help stabilize the property before it was sold to a private owner. These grants are not common; the City could have easily been faced with more than \$100,000 in rehabilitation costs to rehabilitate the structure as it was for 241 The Boulevard.

The purpose of the expanded façade grant program is to encourage investment in historic and at-risk properties so Eden taxpayers are not forced to absorb the rehabilitation costs created by negligent property owners. As with the traditional façade grant, a 50/50 cash match is required by the grantee. This proposal is best considered an investment that will spur economic development as well as prevent further property deterioration.

Program

\$2,500 to \$20,000 in façade grant funding is available for properties considered for historic and at-risk. These properties must also have a viable purpose and serve as a catalyst for future economic development.

Examples of successful projects

618 Washington Street	\$7,500	\$2,500 for front exterior deterioration that threatened the adjoining property.
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\$5,000 for rear façade that had been partially demolished

This property will house a coffee shop and apartments

624 Washington Street \$10,000

Front façade is equivalent to two storefronts. Extensive work required to restore both front and rear facades. Rear façade was failing and in jeopardy of demolition.

This property will house a restaurant and apartments

Future projects are to be evaluated on an individual basis by City staff before seeking Eden Strategic Planning Commission funding. Projects can only be considered if there are available funds and the Commission votes in favor of the project funding. The final step is for the Eden City Council to review the project proposal and either approve or reject what the Commission has recommended.

It is recommended that the Eden City Council approve this Historic and At-Risk property façade grant to promote the rehabilitation of Eden properties.



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, City Manager
FROM: Kelly K. Stultz, AICP, Director
SUBJECT: **Unified Development Ordinance**
DATE: November 12, 2019

At the November regular meeting of the Eden Strategic Planning Commission, they approved the expenditure of \$60,000 to update our 50 plus year old land use regulations into one ordinance and to have them updated to meeting the deadline set by the NC General Assembly of January 1, 2021. The UDO will include zoning, subdivision, water supply watershed and flood damage prevention.

In the 1980's jurisdictions across the country began to adopt ordinances that included all of their land use regulations in one ordinance. The Eden City Council made the decision to hire the City's first professional planner and to have that person prepare a Unified Development Ordinance. The process was begun in 1989. After several years of work, the ordinance was not approved. I came to work in 1990 and was a part of the preparation for the UDO.

Since 1993, our zoning ordinance alone has been amended over 100 times. Having a UDO is no longer new. It is the norm. I put out a question on the Planner's Listserv two weeks ago asking that any jurisdiction that does not have a UDO to shoot me a quick email and let me know. There are more than 600 planners on that listserv. I only heard from 6.

I continue to believe that for Eden's future we need more user friendly and up to date land use regulations. The condition of our regulations make outside developers dubious of what we might require and locally our residents and business owners do not fare any better.

When I attended the NC Planner's Conference, I sat in a session regarding the statute changes made by the General Assembly. I realized the magnitude of the changes.

I have given thought to trying to do this in house. None of my colleagues from jurisdictions big or small, thought that we can do this solely ourselves. An undertaking of this kind will take up a tremendous amount of staff time for me and others even with a consultant. We have to totally re-write our regulations either way and it makes the most sense to hire a consultant and proceed with the re-write.

All of our other planning related ordinances will have to be re-worked as well. That includes nuisance, housing code, junk car, non-residential maintenance and condemnation,

I certainly recommend that you approve this request. If you have questions, please don't hesitate to contact me.



APPLICATION FOR FUNDING FROM THE STRATEGIC PLANNING COMMISSION

INSTRUCTIONS: Please complete this application and provide the required information.

(1) APPLICANT INFORMATION:

NAME: City of Eden Planning Board

DEPARTMENT: Planning and Inspections Department

(2) APPLICABLE STRATEGY AREA OF THE STRATEGIC PLAN:

Neighborhood Development NH-2

Create and adopt a Unified Development Ordinance and Comply with New State Statutes that take effect January 1, 2021.

Over the past 30 years, the standard in format for land use regulations across our country has been the adoption of a **Unified Development Ordinance**. Such an ordinance weaves together zoning, subdivision, water supply watershed and flood damage prevention ordinances into one legal document. Thereby ensuring that the land development codes thoroughly implement our Land Use Plan. The Unified Development Ordinance reflects the way modern development occurs, eliminating distinctions between subdivision and zoning that are often arbitrary. For example, in our current Zoning Ordinance you can build a house on an unopened street so long as it is dedicated to the public. Our Subdivision Ordinance does not allow this practice.

In the 1980's, the Eden City Council began to recognize that its land development ordinances - Zoning, Subdivision and Flood Damage Prevention, were 20 years old and needed to be updated. The first step in that process was decided to be the creation of a new staff position of Planning Director. That person's first Council meeting was in February 1989.

Upon the recommendation of that Planning Director, a committee was created consisting of Valerie Eggleston, Tommy Flynt, Martha Holland, Phil Hunnicutt, Bob Long, Joe Maddrey and Kenan Wright. This committee was charged with making recommendations to the Council for the revision of the City's land use ordinances. The recommendations are eerily true nearly 30 years later. The following is a list of the recommendations that came from this committee:

1. There is an inadequate amount of land available to promote a diversity of housing types.
2. There is an inadequate amount of land available to promote a diversity of housing types.
3. There are poor land development patterns in some areas.
4. There are residential and commercial properties that do not have a pleasing community appearance and that lack proper maintenance which may eventually lead to public health and safety concerns.
5. There are opportunities for land use and development in Eden that are either constrained or not fully recognized.
6. There is an insufficient development approval system and an overall inability of the public and land development sectors.
7. Economic Industrial Development.
8. Transportation.
9. Water/Sewer Services.
10. Historic Preservation.
11. Downtown Areas.
12. Open Space and Recreation.
13. Environment.

- 14. Community Appearance.
- 15. Land Development.
- 16. Planning and Development Coordination.

A copy of an article from the "Eden Daily News" on September 15, 1989 is attached and gives more detail on the items above. Three years, thousands of hours and many meetings later a final certified copy of a new Land Use and Development Ordinance was submitted to the City Council by the Planning Board on April 12, 1993.

On July 14, 1993, the headline in the local paper said "Council Kills Zoning Plan". The accompanying article said "It took Eden City Council members less than 20 minutes Tuesday night to end three years of work on the proposed zoning and land use for the area." It was a 4-3 split decision. Fewer than 10 property owners, out of the 8,000 letters we sent, came out to a public hearing to object to provisions in the proposal and only 1 of them was concerned about their map designation.

Since July of 1993, the City of Eden Zoning Ordinance has been amended more than **100** times. Many of the changes that were recommended in the LUDO have been included in our current regulations. However, our land use ordinances are now more than 50 years old and more than 26 years have passed. Our 1977 Land Use Plan was updated in 2007. It too needs to be updated and revised.

As a planner for the City of Eden, I believe as strongly today as I did in 1993, that we owe it to our community to adopt concise and appropriate land use regulations. I believe that it is imperative that we begin the process immediately. I have considered trying to do this work with my current staff and I have come to believe that we cannot take on all of this work and keep up with our other duties.

The "modernization" and amendments to the planning statutes that take effect on January 1, 2021, creates a greater need for our **52 year old regulations** to be updated. Most jurisdictions hire a consultant to come in and take on the tasks necessary to bring such changes to fruition. With the statutory change deadlines and with the amount of work and time involved, I am recommending that we hire a consultant. This still will mean a huge amount of staff time during the process.

I am asking that the Strategic Planning Commission to fund the drafting and adoption process of a Unified Development Ordinance that is in compliance with North Carolina Statues.

(3) LOCATION OF PROJECT:

 N/A

(4) TIMELINE:

 10-12 months upon award of the project.

(5) ESTIMATED BUDGET FOR PROJECT:

\$30,000 for 2019/2020 and \$30,000 for 2020/2021.

(6) APPLICANT CERTIFICATION:
 I hereby certify that, to the best of my knowledge, the information shown on this application is true and accurate, and that I hereby petition the Strategic Planning Commission to recommend and the City Council to approve this application for funding from the Strategic Plan Budget.

 Applicant's Signature

 Date of Signature

Any documents or items to be presented to the Commission need to be attached to this Application

Eden Daily News

7-560)

Eden, N.C. 27288, Friday, September 15, 1989

A Park Newspaper 19 Pages

25¢ Per Copy

Group Offers Ways To Meet Eden's Land Problems

Citizens' Proposals To Be Considered In Revising Zoning Ordinances

By KEN CHURCH

The unavailability of land, poor development patterns and unattractive properties are among several land-use concerns in Eden identified by a local citizen advisory committee.

The seven-member group met with city officials four times in July and August as a launchpad for the upcoming revision of Eden's zoning ordinance. Serving on the committee were Valerie Eggleston, Tommy Flynt, Martha Holland, Phil Hunnicutt, Bob Long, Joe Maddrey and Kenan Wright.

City Planner Lee Burnette presented the group's findings to the Eden Planning and Zoning Board last week and will do the same at the Eden City Council meeting later this month.

The committee's work — summarized in a nine-page report — will be the "starting point of discussion" when a policy committee composed of various members of city boards begins the revision process in late September or in early October, Burnette said.

That committee comprises four members of the planning board, two members of the City Council and four members of the Eden Board of Adjustment. Burnette, City Manager Steve Routh and other city staff members also will be involved in the rewriting of the zoning ordinance.

The existing ordinance, established in 1968 and expanded to include extraterritorial areas in 1979, has been amended several times but has not undergone a complete modification process until now, Burnette noted.

The N.C. Department of Natural Resources and Community Development will help with the revision, he added.

The citizen committee zeroed in on five perceived problems regarding land use and development in Eden, along with sup-

Eden Daily News Special Report

porting conditions and their causes. The group also recommended some possible solutions.

The committee's concerns are summarized as follows:

- There is an inadequate amount of land available to promote a diversity of housing types, sizes and prices.

There is a lack of adequate access to much property in Eden, the committee found, and lot size regulations are rigid and do not encourage "open space preservation."

Manufactured housing locations are limited because of land costs and restrictive zoning, but the committee cited an "over-

concentration" of manufactured homes in certain areas of the city.

Townhouse, cluster and similar types of residential development opportunities also are limited by the existing zoning ordinance.

- There are poor land development patterns in some areas of Eden, and the practices causing them are still occurring.

Soil erosion, especially on vacant land and construction sites, is a major cause of the problem, and the committee cited lack of notification to appropriate state agencies.

Substandard streets with poor intersections and inadequate off-street parking also are a problem, as are inadequate drainage systems, steep slopes and flood plains.

The committee also found many incompatible land uses and crowded sites.

- There are residential and commercial properties that do not have a pleasing community appearance and that lack proper maintenance which may eventually lead to public health and safety problems.

The committee pointed out that many properties contain

Council Kills Zoning Plan

By ELLA McBRIDE
Staff Writer

Design In Development For Over 3 Years

EDEN — It took Eden City Council members less than 20 minutes Tuesday night to end three years of work on proposed zoning and land use for the area.

In a 4-3 decision, the board swiftly defeated the proposed land use and development ordinance. Members Bill Rorrer, Hazel Price, Ron Janney and Bobby Jones voting against the measure. Ron Norwood, John Grogan and Robert Stephens voted for it.

City Planner Lee Burnette sat poised and ready to answer any final questions that city leaders may have had on the plan. In the audience were Eden Chamber of Commerce President Don Barrow, Chamber Board Chairman Rich Gladden and Board of Realtors representative Lisa Cherry Price.

Both groups had sent letters to Council members and Mayor La-

wrence Cox endorsing the proposed zoning and land use plan, which has not been completely re-worked since 1968.

Before the vote, several Council members voiced their disapproval of the plan.

"I have a lot of problems with this plan. I don't plan on voting for any part of it," Council member Janney asserted.

"I've had too many calls and complaints about this to just go into it blind," Price said.

"We have spent over three years and a lot of thought and effort in this. We have tried to be very protective of every residential area for every type of activity. I think it would be a grave mistake if we do not act upon this and it would reflect badly upon our city," Mayor Cox told city leaders.

"In other words, we are going to close down businesses?" Council member Bobby Jones asked.

According to Burnette, who did not specifically address Jones' question during the special meeting, businesses who are currently in areas that are zoned residential and are operating a business would be grandfathered under the proposed zoning. They would be restricted in the future on the type and amount of expansion they would be able to do to their businesses, Burnette added.

Council members began discussions on the proposed zoning and land use in January and held a total of eight meetings and a public hearing according to City Clerk Mary Lambert based on minutes from prior meetings. The Planning Board held seven meetings and a public hearing to discuss specifics of the

plan, according to Burnette.

The planning department sent 8,000 notices out to property owners in the city and affected areas to offer an opportunity for written comments. The planning department received approximately 22 replies, with only one citizen replying he was for the proposed map.

"The vote is disgusting, absolutely disgusting," a frustrated Cherry Price told the *The Daily News* Tuesday night.

"This is a well planned ordinance and map that has been discussed in great length with the Planning and Zoning Board, who unanimously endorsed it. The Eden and Western Rockingham Board of Realtors, who are involved in real estate everyday, endorsed it and the Eden Chamber of Commerce who represent the business leaders in the community en-

dorsed it and when it gets to City Council, four members deny it for lack of understanding it," Cherry Price explained.

"They are scared of change so it's easier to just say no to it," Cherry Price asserted.

"I'm not surprised by the vote, but I am disappointed," Mayor Cox said after the meeting. "I think we had an opportunity to make a difference in our city. To a large extent we have outgrown the existing zoning policies and we missed the opportunity.

"The Chamber of Commerce is very disappointed with the decision," Chamber Chairman Gladden said. "You have a professional planner who has put three years into the project, and we are sorry that they did not see fit to accept their recommendations."



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, City Manager
FROM: Kelly K. Stultz, AICP, Director
SUBJECT: **Delta Dental Water Fountains for Morehead High School**
DATE: November 12, 2019

At the November regular meeting of the Eden Strategic Planning Commission, they approved the expenditure of \$4,800 to purchase four (4) Delta Dental Water Fountains for Morehead High School.

Principal Ryan Moody wrote a grant this past summer to Delta Dental Foundation that requested the replacement of 13 water fountains at the high school. They were awarded one (1) fountain for the main hall. Included in the grant was a water bottle for every student and staff member.

I certainly recommend that you approve this request. If you have questions, please don't hesitate to contact me.



APPLICATION FOR FUNDING FROM THE STRATEGIC PLANNING COMMISSION

INSTRUCTIONS: Please complete this application and provide the required information. In order for this application to be accepted, all applicable sections of this form must be completed, and all required information provided.

(1) APPLICANT INFORMATION:

NAME: CHRISTY HEWSLEY, CAREER DEVELOPMENT COORDINATOR
DEPARTMENT: MOREHEAD HIGH SCHOOL

(2) APPLICABLE STRATEGY AREA OF THE STRATEGIC PLAN:

EV-4 Become an active partner to promote and support the performance of Rockingham County Schools

IDEA BOX 1 -> Identify ways to promote three strategic areas including safe,

(3) LOCATION OF PROJECT: resources, supported & equipped schools & ultimately the Graduation or beyond rate. Morehead High School

(4) TIMELINE:

December 2019 - February 2020

(5) ESTIMATED BUDGET FOR PROJECT:

\$1,200 per water fountain;
4 Fountains = \$4,800

Delta Dental Water Fountains

(6) APPLICANT CERTIFICATION:

I hereby certify that, to the best of my knowledge, the information shown on this application is true and accurate, and that I hereby petition the Strategic Planning Commission to recommend and the City Council to approve this application for funding from the Strategic Plan Budget.

Christy M. Hensley
Applicant's Signature

10-22-19
Date of Signature

Any documents or items to be presented to the Commission need to be attached to this Application

The water fountains in the main building were installed in 1952 with additional classroom and auditorium unit installations in 1960, a library water fountain added in 1968, a gymnasium unit in 1981, and a cafeteria one in 1991. There are currently 12 water fountains throughout the buildings on campus. The water fountains are declining in condition with many falling into disrepair, with some of them not appropriate for water consumption.

According to the Delta Dental Foundation (2019),

“Since children spend the majority of their day at school exerting themselves both in the classroom and on the playground, having access to drinking water is a necessity. Water not only provides a healthy alternative to sugary drinks like soda pop, sports drinks, and juice boxes, but it plays a starring role in combating obesity and boosting cognitive development and energy levels. With the addition of fluoride, water can also aide in the prevention of cavities”.

Morehead High School is seeking to update the water fountains throughout the school to provide clean and safe drinking water for all students. Over 53% of the students attending MHS qualify for free or reduced meals. Students must have access to clean water throughout the school day in order to perform academically. By adding in new Delta Dental water fountains, MHS will ensure students as well as staff have access to clean, healthy water.

References

Water's Cool at School: Delta Dental of North Carolina. (n.d.). Retrieved from <https://northcarolina.deltadental.com/en/giving-back/water-s-cool-at-school.html>.

EV - 4: Become an active partner to promote and support the performance of Rockingham County Schools



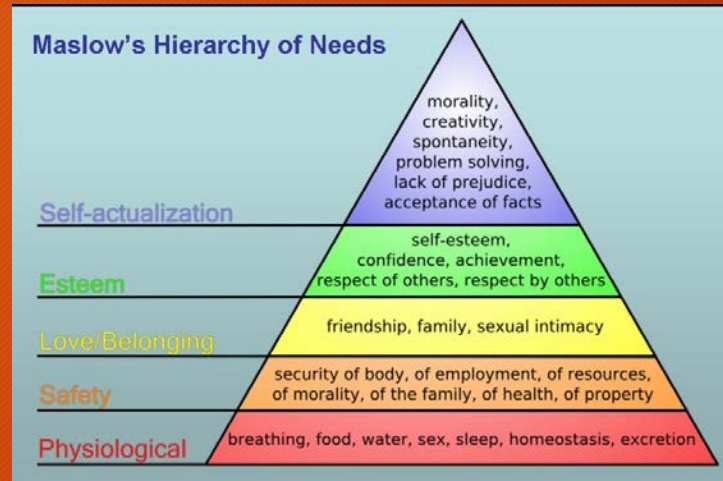
- Idea Box 1: Identify ways to promote Rockingham County School's three strategic focus areas: 1. Graduation and beyond, 2. Safe, resources, supported & equipped schools, and 3. Stakeholder involvement and engagement.
- Morehead High School is seeking to update the water fountains throughout the school to provide clean and safe drinking water for all students.
- Dr. Moody wrote a grant this past summer to the Delta Dental Foundation. MHS was awarded one Delta Dental Water Fountain for the main hall. Included in the grant was a water bottle for every student and staff member.

Rethink Your Drink. Water is cool at school!

The big 4....



1. Helps to Combat Obesity.
2. Boosts Cognitive Development & Energy Levels.
3. Aids in eliminating waste from disposable plastic bottles.
4. Fuels our workforce.





JOHN M. MOREHEAD HIGH SCHOOL

OUR SUCCESS STARTS WITH YOU!

ROCKINGHAM COUNTY SCHOOLS

#PantherNation

PARTNERS



#Zsnap



#TwoTypesofPeople

Delta Dental Water Fountains



Water Fountains are \$1,200 each.

Request is for 4 Water Fountains = \$4,800.00

Why 4 fountains?



Economic Development Department

November 8, 2019

To: The Honorable Mayor and Eden City Council

Thru: Terry Shelton, Eden City Manager

From: Mike Dougherty, Director of Economic Development

Re: Reynolds Brewery Façade Grant proposal

At the August 2019 Eden City Council meeting, the Spray Historic District was expanded to include the former Garden Central building, located at 351 W. Meadow Road, which is currently under construction to be Reynolds Brewing. This area was also voted to be eligible for façade and building rehabilitation grants.

Microbreweries, especially those located in small towns, are often catalysts for economic growth. They provide gathering spaces that are sought by both younger and older citizens. The former Garden Central property is a historic structure that is in the process of being transformed into Eden's first microbrewery. It is located adjacent to the Smith River Greenway and Island Ford River Access point, which provides special event opportunities for the business to attract area citizens and tourists.

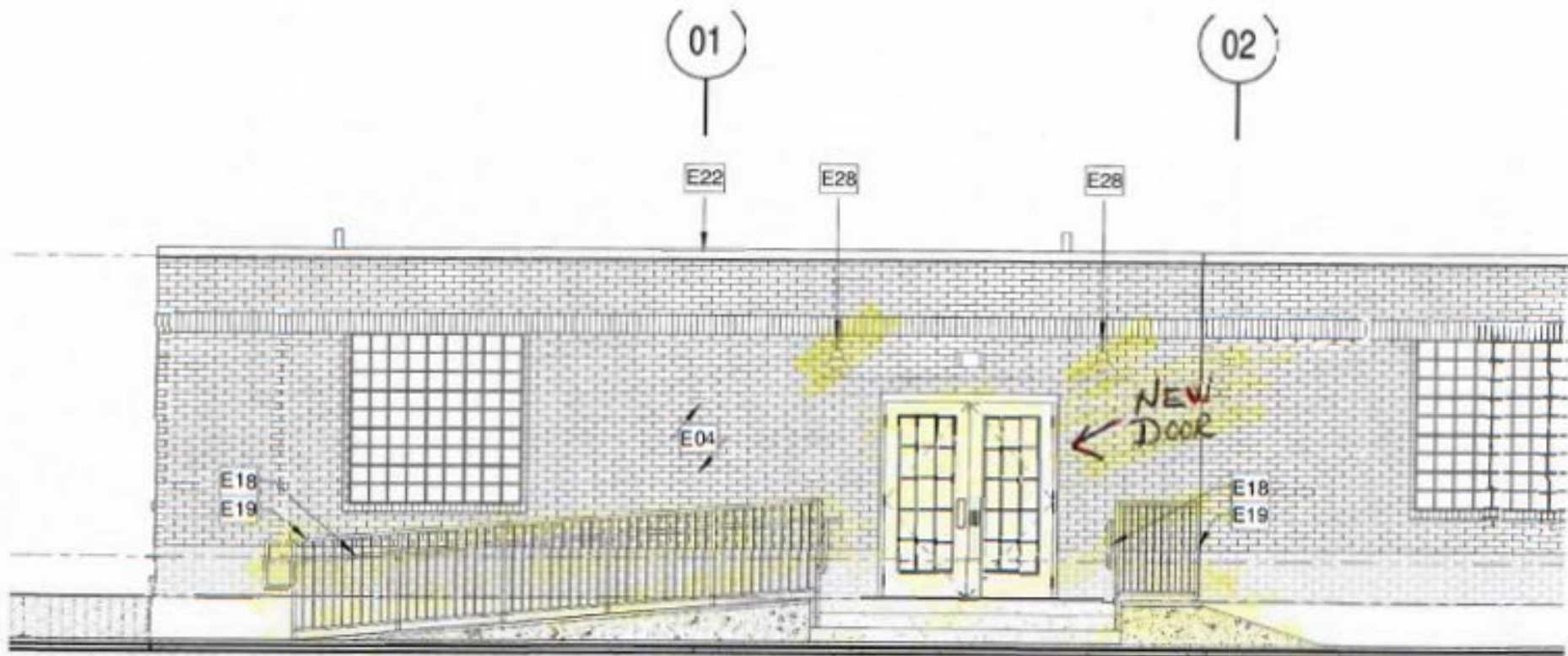
A significant amount of funding is being allocated for this entire project; more than \$65,000 alone for the facility exterior. It is recommended that funds be allocated to this project because it fulfills both the requirement for expanded façade grant funding to be focused on both historic and at-risk properties. The specifics are as follows:

Proposed

Reynolds Brewery	\$20,000	\$10,000 for front and rear. Building size is equivalent in size to two traditional downtown buildings
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The total cost of façade/exterior work on this project exceeds \$65,000 so the proposed funding will be a 3 to 1 match. (see attachment)

The Eden Strategic Planning Commission has reviewed and approved this project funding. City Council is asked to also approve the requested funding amount.



STEPS, RAMP, RAILING AND 3 SPACE
HANDICAP PARKING. NEW LIGHTS

02

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A202

04

05

E28

E22

E28

E28

E18
E19

E04

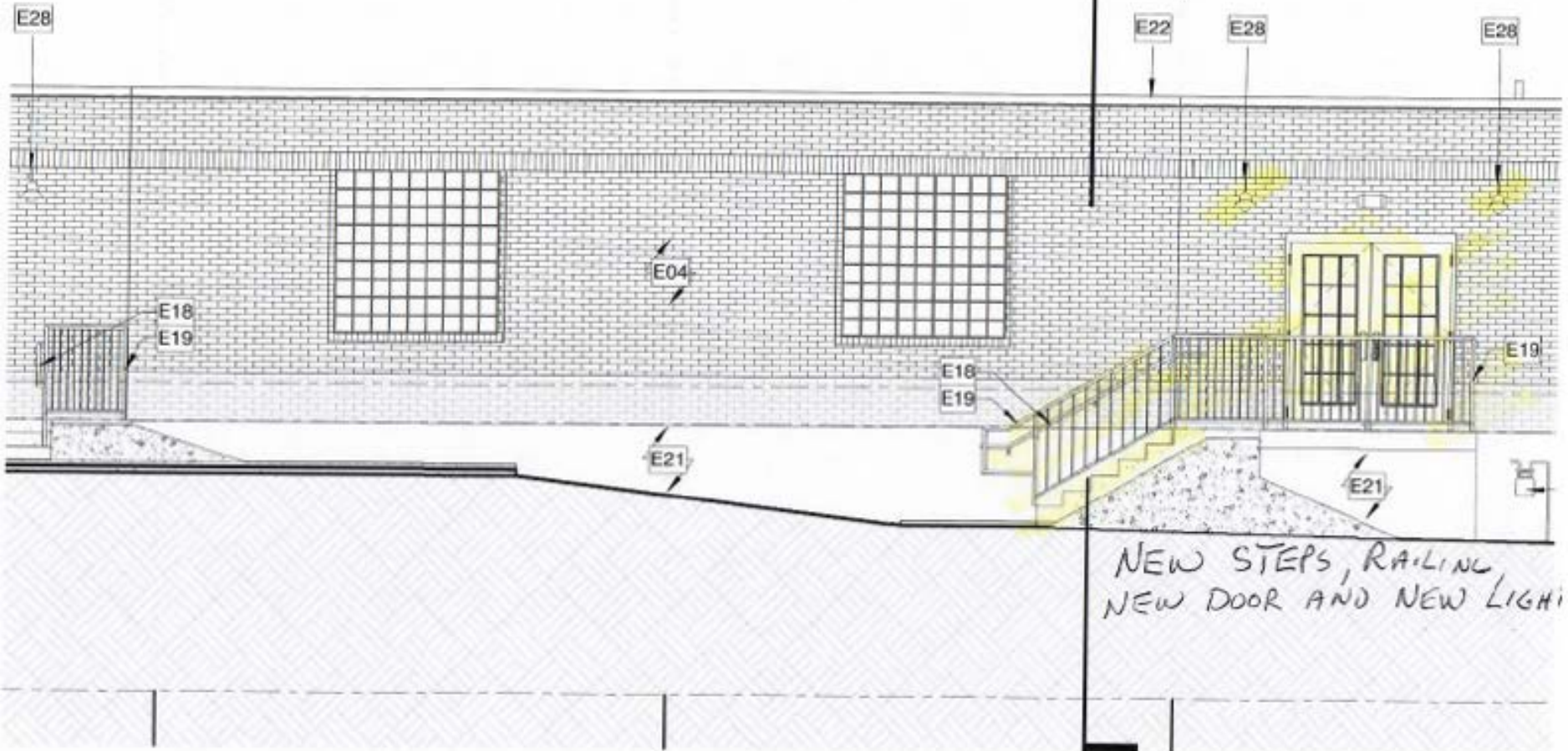
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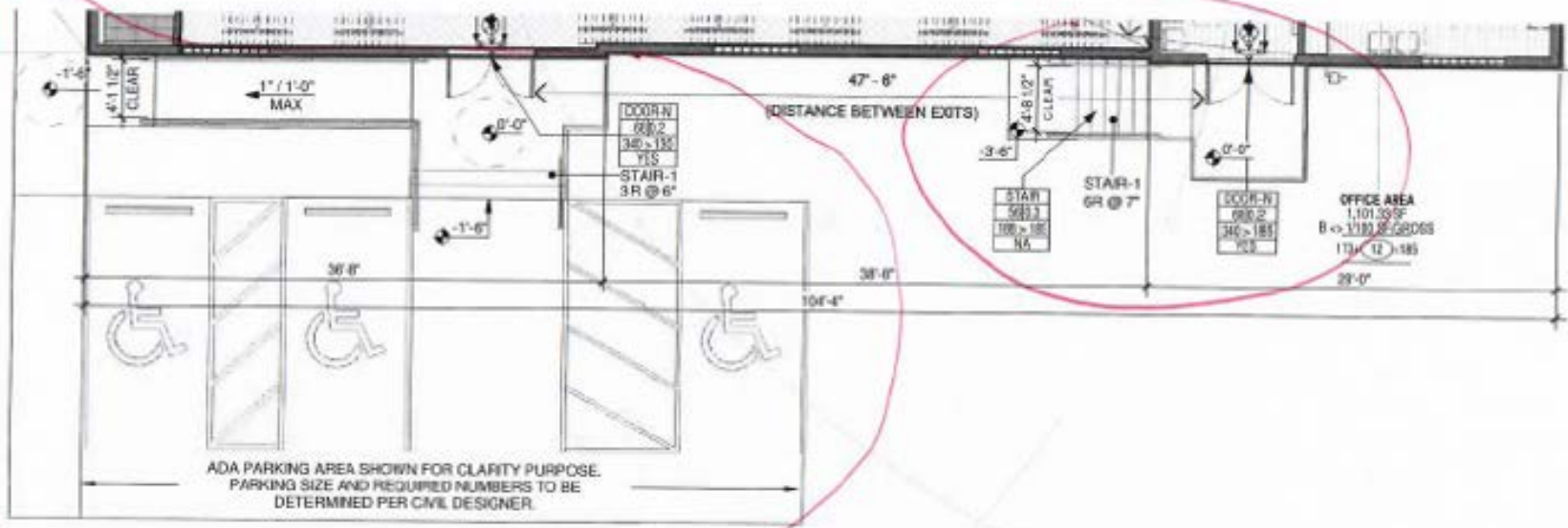
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NEW STEPS, RAILING
NEW DOOR AND NEW LIGHT





ADA PARKING AREA SHOWN FOR CLARITY PURPOSE.
 PARKING SIZE AND REQUIRED NUMBERS TO BE
 DETERMINED PER CIVIL DESIGNER.

- OCC
- -
 -
 -

GRAVEL PARKING LOT

01 MAIN LEVEL - LIFE SAFETY PLAN
 A201 LS101 1/8" = 1'-0"

NEW WINDOWS

NEW DECK IN
BACK

NEW RAMP TO
THE BACK OF
BUILDING

02 WEST BUILDING ELEVATION
1/10" = 1'-0"

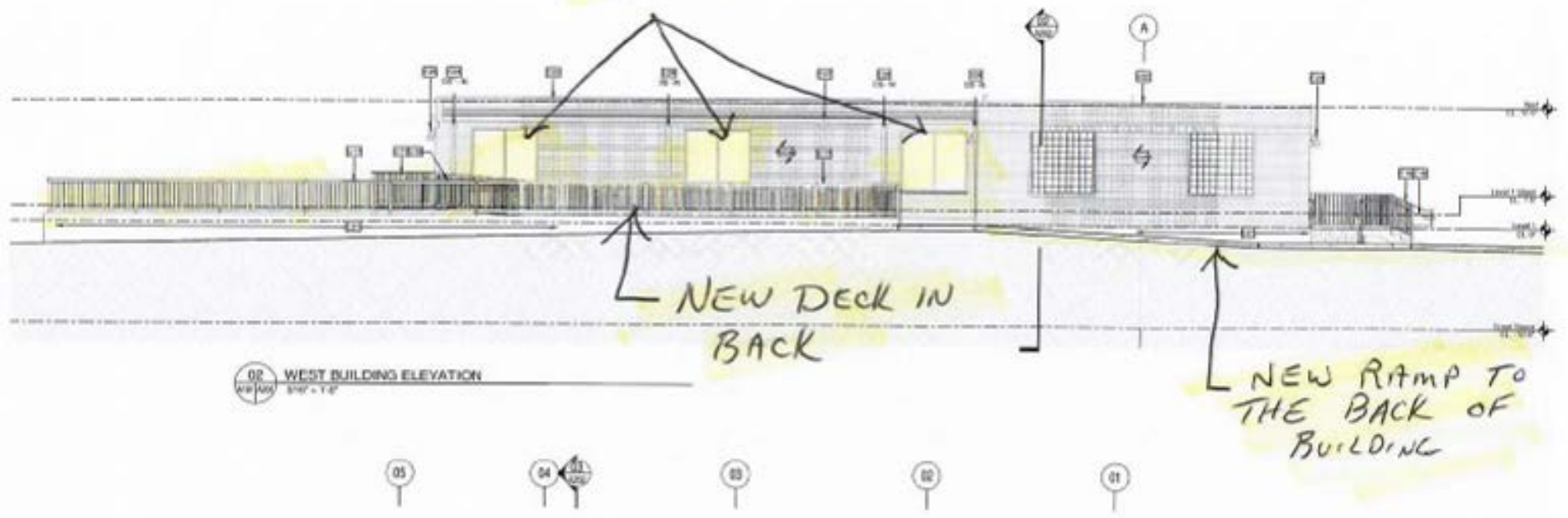
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04

03

02

01





Economic Development Department

November 12, 2019

To: Honorable Mayor and City Council

Thru: Terry Shelton, City Manager

From: Mike Dougherty, Director of Economic Development

Re: Request for Strategic Planning Commission funds for the creation of a Smith River otter habitat

For several years, the Dan River Basin Association (DRBA) has pursued funding to build an otter habitat on the Smith River. Otters have inhabited this river for years. The habitat would encourage their presence and serve as a tourist attraction for Eden. This would be the only habitat of its kind in the United States, certainly giving Eden a destination attraction for wildlife enthusiasts. Otters are known only to live in clean water, so their presence and the habitat will bolster Eden's river tourism efforts.

This summer, DRBA received a \$9,454 Duke Energy grant to help built the habitat. The total project costs could be \$16,800. On November 8, 2019, the Eden Strategic Planning Commission allocated up to \$7,356 to complete the project.

Please note that City equipment and workers may be able to complete much of this work which would significantly reduce the cost of this project. A request is being made to approve the up to \$7,356 that the Eden Strategic Planning Commission approved at its November meeting.

Please advise if you have any questions concerning this request.



The Eden Otter Holt Habitat Project

Summary

The Eden Otter Holt Habitat Project is anticipated to be the first of its kind in the United States. The Otter Holt is will have many benefits to the City of Eden, but first and foremost, it will be a tourist attraction supporting economic development. It will also be an opportunity for environmental education and water quality indication.

Proposed to be constructed along the banks of the Smith River near the Island Ford Access ramp, the carefully planned and constructed artificial holt will provide a safe breeding area and encourage otters to colonize stretches of waterway that are suitable with adequate food but lacking in shelter. In addition, the NC Wildlife Resources Commission and NC Department of Natural and Cultural Resources will use this site to re-home rehabilitated river otters that have been injured and/or experienced habitat loss. The section of the Smith River along the Eden Greenway is a suitable waterway with ample food supply and teeming with a variety of wildlife, but lacking in desirable structures that provide homes for otters.

The City of Eden's mascot is the river otter and this project maximizes efforts to promote the "Small Town, Big Outdoors" branding effort and the river otter statues proposed for the Spray traffic circle.

Funding

The City of Eden has been successful in acquiring a \$9,454.00 grant from the Duke Energy Water Resources Fund to implement this project. Additional matching funds of **\$7356.00** is needed complete the project.

The Eden Otter Holt Habitat Project Budget

Description	Cost
Design & Site Preparation for Holt	\$6,500.00
Materials	\$5,500.00
Purchased labor	\$1,000.00
Signage Design & Printing	\$1,800.00
Promotion	\$500.00
Webcam purchase and installation, includes web presence link	\$1,500.00
Total Expenses	\$16,800.00

Materials Detail

- ~ 100 ft 12- 16" storm drain type (concrete or terracotta) Exact length to be determined. Pipe is used as runway entrance and exit to holt.
- Brick, concrete block and 6x6 rough cut timbers for framing holt
- 4 - 4x8 sheets marine plywood for roof of holt (may substitute concrete slabs)
- 64 square feet Roofing tin to cover marine plywood for holt roof
- Rebar and straps for securing concrete pipe runs
- Split rail fence and 1x2 welded wired to encompass public side of holt
- Signage to be constructed along the trail near the site
- Wi-Fi camera set up for remote viewing

More information

The site will be prepped by digging a 64 sq ft square x 4 feet deep hole. Framing and Wi-Fi camera installed, roof constructed and site is backfilled. Two chase-ways are dug from holt to river that will contain the sections of Concrete pipe for ingress and egress. These pipes are backfilled the entire site will be covered and trees planted around site. Volunteers or the City of Eden can dig the holt footer and pipe raceways but it is recommended a small back-hoe be used for the rough dig and volunteers will dree up the dig and help construct the holt. A rock headwall will be built at pipe entrances at the rivers edge to conform with the natural setting. Split rail or other fencing would be installed to border off limits to the public area near holt. Cameras would be installed inside and outside the holt with cable feed to solar panel and WIFI. Remote viewing accomplished through web page on City of Eden website.



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: **Sale of 416 Decatur Street**
DATE: November 7, 2019

The City has received a bid on the 1.1 acre lot located at 416 Decatur Street in the amount of \$15,800.00 from Stacy Santos. The tax value of the property is \$16,720.00.

The initial bid was in the amount of \$1,000.00 and was advertised in the Rockingham Now on August 25, 2019. After multiple upset bids and advertisements, an advertisement for the \$15,800.00 bid ran in the Rockingham Now on October 27, 2019. No upset bids were received.

There are not any unpaid property taxes due on this property.

In my opinion, our best outcome is to sell the property and encourage the owner to build single family dwellings on the property.

Based upon the foregoing information and the fact that we continue to have to mow and maintain the property, I recommend that the City Council accept the bid.

If you need any further information, please let me know.



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/105 Periwinkle Road
Date: November 8, 2019

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. Four (4) bids were submitted to this department; however, Station 210 has requested permission to burn the house for training.

The property owner will be billed the minimum fee charged for voluntarily burning a house which is \$1,500.00.

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 105 Periwinkle Road including any accessory structure of the City of Eden, North Carolina.

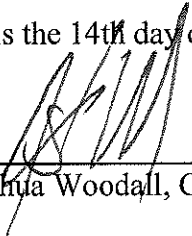
YOU ARE HEREBY NOTIFIED that the dwelling unit and/or lot located at the address designated above is in a condition that appears to be unfit for human habitation and to violate the City of Eden Minimum Housing Code as set out in the **ATTACHMENT** which is incorporated herein.

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., June 6, 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 14th day of May, 2019.



Joshua Woodall, Codes Inspector

LOCATION: 105 Periwinkle

File No. 19000686

EXHIBIT "A"

A dwelling is unfit for human habitation **if any one (1)** of the following conditions exists:

DWELLING UNFIT FOR HUMAN HABITATION (Section 4-75)

- (1) Seriously listing, leaning or buckling interior walls or vertical studs
- (2) Deteriorating supporting members (33%), outside walls or covering (50%)
- (3) Insufficient floors or roofs
- (4) Wind or fire damage
- (5) Dilapidation, decay, unsanitary conditions or disrepair
- (6) Inadequate egress in case of fire or panic
- (7) Defects increasing fire, accident hazards
- (8) Lack of adequate ventilation, light, heating or sanitary facilities
- (9) Lack of proper electrical, heating or plumbing facilities
- (10) Lack of connection to potable water supply or public or other approved sewage disposal system

A dwelling is unfit for human habitation if it fails to fully comply with **seven (7) or more** of the following standards of dwelling fitness:

STRUCTURAL STANDARDS (Section 4-76)

- (a) Listing, leaning, buckling, rotting, deteriorated or damaged walls, partitions, supporting members, sills, joists, rafters
- (b) Inadequate floors or roofs
- (c) Deteriorated foundations, foundation walls, piers
- (d) Improperly maintained steps, stairs, landings, porches
- (e) Inadequate egress in case of fire or panic
- (f) Unsuitable materials or inadequately maintained floors, interior walls or ceilings
- (g) Inadequate provisions for weather and water tightness
- (h) Defective, deteriorated or fire hazardous chimney
- (i) Use of ground for floors or wood floors on ground

PLUMBING STANDARDS (Section 4-77a)

- (1) Lack of connection through an approved pipe distribution system to a potable water supply
- (2) Lack of sink, lavatory, tub or shower, and water closet in good working order
- (3) Lack of sink, lavatory, tub or shower, and water closet with both hot and cold water
- (4) Plumbing fixtures not in good working order
- (5) Inaccessible fixtures/inadequate privacy
- (6) Plumbing not installed and/or repaired in accordance with the state plumbing code

HEATING STANDARDS (Section 4-77b)

- (1) Heating system, appliances and facilities not installed in accordance with state building code and/or not maintained in a safe, good working condition

ELECTRICAL STANDARDS (Section 4-77c)

- (1) Insufficient electric lights and receptacles
- (2) Inadequately lighted halls, stairways (multiple dwellings)
- (3) Electrical facilities not in good working order
- (4) Insufficient capacity of service supply and/or insufficient main disconnect switch

FIRE PROTECTION SYSTEM (Section 4-77d)

- (1) Fails to comply with all applicable provisions of the state fire prevention code
- (2) Lack of approved listed smoke detector

KITCHEN FACILITIES (Section 4-77e)

- (1) Lack of food preparation surfaces impervious to water and free of food/liquid trapping defects
- (2) Shelves, cabinets and drawers in good repair
- (3) Lack of freestanding or permanently installed cook stove
- (4) Lack of mechanical refrigeration equipment

SAFE AND SANITARY MAINTENANCE STANDARDS (Section 4-80)

- (a) Foundation walls, exterior walls or roofs in disrepair, not weather tight, watertight, or rodent proof
- (b) Floors, interior walls or ceilings of unsuitable materials which promote sanitation, cleanliness, and privacy
- (c) Windows, exterior doors in disrepair, not weather tight, watertight or rodent proof
- (d) Unsound inside or outside stairs, porches or appurtenances
- (e) Inadequate bathroom or kitchen floor surface
- (f) Improperly maintained supplied facilities, equipment or utility
- (g) Inadequate means of egress provided or means of ingress/egress obstructed

INSECT, RODENT AND INFESTATION CONTROL STANDARDS (Section 4-81)

- (a) Missing exterior door opening screens or self closing devices (except mechanically ventilated or air conditioned.)
- (b) Missing window or other opening screens (except operable central heating and adequate cooling equipment for mechanically ventilating)
- (c) Improperly installed or maintained screens on windows and doors.
- (d) Missing basement or cellar window or other opening screens to prevent rodent entry
- (e) Inadequately maintained dwelling - to be free of infestation of insects, rodents, or other pests.
- (f) Inadequate provision of approved containers and covers for storage and removal of rubbish.

- (g) Inadequate provision of an approved garbage disposal facility
- (h) Improper storage of furniture, vehicle parts, junk, equipment, or other material which harbor insects, rodents, or other pests.

ROOMING HOUSE STANDARDS (Section 4-82)

- (a) Inadequate provision of accessible water closet, lavatory basins, bathtubs/shower with hot & cold water
- (b) Inadequate room floor area for sleeping purposes.
- (c) Inadequate sanitary maintenance of all walls, floors, ceilings, and other parts of rooming house and premises.
- (d) Lack of privacy for required water closet, flush urinal, lavatory basin or bathtub/shower

Note: Items checked indicate violations applicable to subject property.

FINDING OF FACT AND ORDER

TO: Owners and parties in interest of the property located at **105 Periwinkle 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

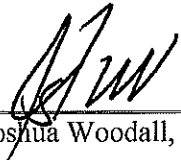
3. Due to conditions, the building and or premises described above is found to be in condition within the meaning of the City Minimum Housing Code.

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 105 PERIWINKLE 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 13th day of May, 2019, the Director of the Planning and Inspections Department examined the structure owned by Karen McDaniel at 105 Periwinkle Road, Eden, North Carolina and found it to be unfit for human habitation, that said property is more particularly described as follows:

TRACT 1:

BEGINNING at a point in the East edge of the concrete highway leading from Leaksville to Reidsville, N.C. and running thence South 9° West with the East edge of the aforesaid concrete highway 50 feet to a stake, a new corner; thence South 81° 30' East 130 feet to a stake set in a drain ditch; thence North 9° East and parallel with said concrete highway 50 feet to a stake; thence North 81° 30' West 130 feet to a stake, the POINT OF BEGINNING and being a part and portion of that land conveyed by J. Baynes and wife to I. O. Griffith by deed dated October 12, 1936, and recorded in Book 296, page 414 and conveyed by I. O. Griffith to Robert Lee Briggs. See Deed Book 366, page 571 and Book 911, page 2008 . SAVE AND EXCEPT that 0.009 acres conveyed by Norman G. Stiers and wife, Mavis W. Stiers to Rhonda V. Nance and Lisa V. Mays by Deed recorded in Deed Book 914 at page 332.

TRACT 2:

BEGINNING at an iron set in the east edge of the Old Leaksville-Wentworth topsoil road near where it connects with the present Leaksville-Reidsville Highway, said beginning point being the northwest corner of that lot purchased by I. O. Griffith from Jonathan Baynes and running thence in a northeastern direction with the east edge of the Old Leaksville-Wentworth topsoil road 48.7 feet to an iron, a corner with Corum (now Barnes lot); thence with the Corum (now Barnes lot) line in a southeastern direction approximately 167.20 feet to an iron set in the ditch run, said point in the ditch being marked by a reference iron on the bank; thence with and up the run of said ditch 48.7 feet to an iron, the northeast corner of Jonathan Baynes lot; thence and with the line of said Baynes lot in a northwestern direction approximately 139.30 feet to an iron set in the east edge of Leaksville-Wentworth topsoil road THE POINT OF BEGINNING and on which is situated a store-building operated by Edna B. Stone. See Book 934, page 1118.

TRACT 3:

BEGINNING at an iron in southern line between Norman G. Stiers and Rhonda V. Nance, approximately 16.11 feet from a control corner; thence South 27° 47' West 8.72 feet to an iron; thence North 62° 00' West 18.70 feet to an iron; thence North 24° 55' East 6.16 feet to an iron; thence South 69° 41' East 19.18 feet to the POINT AND PLACE OF BEGINNING, being 0.003 acres, as shown on plat of survey by Samuel J. Coleman, R.L.S. entitled "Plat of Survey for Norman G. Stiers and Mavis W. Stiers" dated January 2, 1995, which a copy is attached to that Deed recorded in Book 914 page 329.

The above described property being more commonly known as 105 Periwinkle Road, Eden, North Carolina, and being further identified by the Rockingham County Tax Dept. as PIN 7979-04-60-0953-00. Deed Reference: Book 948, page 230.

WHEREAS, on the 14th day of May, 2019, the Director caused to be issued a Complaint and Notice of Hearing for the 6th day of June, 2019, which was served on the property owner by certified mail, return receipt requested, on the 16th day of May, 2019, and by first class mail; and

WHEREAS, the hearing was held on the 6th day of June, 2019, and the Director subsequently issued an Order on the 19th day of June, 2019, to repair, alter, improve or vacate and demolish the property; and

WHEREAS, a copy of the Order was served on the property owner by certified mail, return receipt requested, by first class mail and by posting on the subject property on the 20th day of June, 2019; that the certified mail, return receipt requested was returned by the U. S. Postal Service marked "Refused;" 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 name of Karen McDaniel and Karen McDaniel Smith 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 19th day of November, 2019.

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/305 Victor Street
Date: November 8, 2019

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. Four (4) bids were submitted to this department as follows:

Sam W. Smith, Inc.	\$ 12,000.00
Kenny Frith	\$ 4,200.00
Brad Fisher Hauling	\$ 5,800.00
Loye Grading	\$ 5,300.00

Staff recommends that Kenny Frith be awarded the bid for the demolition of the house with the lowest bid being in the amount of \$4,200.00.

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 **305 Victor Street, including any accessory structure**, of the City of Eden, North Carolina.

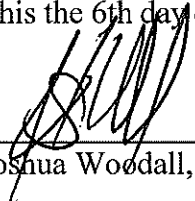
YOU ARE HEREBY NOTIFIED that the dwelling unit and/or lot located at the address designated above is in a condition that appears to be unfit for human habitation and to violate the City of Eden Minimum Housing Code as set out in the **ATTACHMENT** which is incorporated herein.

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., February 28, 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 6th day of February, 2019.



Joshua Woodall, Codes Inspector

LOCATION: 305 Victor Street

File No. 1900049

EXHIBIT "A"

A dwelling is unfit for human habitation if **any one (1)** of the following conditions exists:

DWELLING UNFIT FOR HUMAN HABITATION (Section 4-75)

- (1) Seriously listing, leaning or buckling interior walls or vertical studs
- (2) Deteriorating supporting members (33%), outside walls or covering (50%)
- (3) Insufficient floors or roofs
- (4) Wind or fire damage
- (5) Dilapidation, decay, unsanitary conditions or disrepair
- (6) Inadequate egress in case of fire or panic
- (7) Defects increasing fire, accident hazards
- (8) Lack of adequate ventilation, light, heating or sanitary facilities
- (9) Lack of proper electrical, heating or plumbing facilities
- (10) Lack of connection to potable water supply or public or other approved sewage disposal system

A dwelling is unfit for human habitation if it fails to fully comply with **seven (7) or more** of the following standards of dwelling fitness:

STRUCTURAL STANDARDS (Section 4-76)

- (a) Listing, leaning, buckling, rotting, deteriorated or damaged walls, partitions, supporting members, sills, joists, rafters
- (b) Inadequate floors or roofs
- (c) Deteriorated foundations, foundation walls, piers
- (d) Improperly maintained steps, stairs, landings, porches
- (e) Inadequate egress in case of fire or panic
- (f) Unsuitable materials or inadequately maintained floors, interior walls or ceilings
- (g) Inadequate provisions for weather and water tightness
- (h) Defective, deteriorated or fire hazardous chimney
- (i) Use of ground for floors or wood floors on ground

PLUMBING STANDARDS (Section 4-77a)

- (1) Lack of connection through an approved pipe distribution system to a potable water supply
- (2) Lack of sink, lavatory, tub or shower, and water closet in good working order
- (3) Lack of sink, lavatory, tub or shower, and water closet with both hot and cold water
- (4) Plumbing fixtures not in good working order
- (5) Inaccessible fixtures/inadequate privacy
- (6) Plumbing not installed and/or repaired in accordance with the state plumbing code

FINDING OF FACT AND ORDER

TO: Owners and parties in interest of the property located at **305 Victor Street 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 as follows:

- (3) **Insufficient floors or roofs**
- (5) **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 **June 13, 2019**.

This the 13th day of March, 2019.



Joshua Woodall, Codes Inspector





Prepared by and Return to:
Erin B. Gilley

AN ORDINANCE AND ORDER
FOR THE DEMOLITION OF
PROPERTY AT 305 VICTOR 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 30th day of January, 2019, the Director of the Planning and Inspections Department examined the structure owned by Hilda L. Smith and Antonio Smith at 305 Victor Street, Eden, North Carolina and found it to be unfit for human habitation, that said property is more particularly described as follows:

COMMENCING at an iron, said iron marking the northwest intersection of Victor Street by Fisher street; thence with the Western line of Victor Street, N. 3 deg. 17' W. 80 ft. to an iron, the point of BEGINNING, thence S. 86 deg. 43' W. 75.1 feet to an iron; thence N. 1 deg. 08' W. 75.05 feet to an iron; thence N. 86 deg. 43' E. 72.29 feet to an iron set in the Western line of Victor Street; thence with the western line of Victor Street, S. 3 deg. 17' E. 75 feet to an iron, the POINT OF BEGINNING, and containing 5,542 sq. ft., more or less, the same being all of Lot D, Block No.16, Park Heights, as per Map 3, of the Subdivision of Spray, North Carolina, property of the Leaksville Woolen Mills, Inc., as made by W. T. Combs, C.E., October and November, 1948, and September, 1949, and recorded in the Register of Deeds office for Rockingham County, North Carolina in Map Book 6, Page 96. For title reference, see Deed Book 370, Page 228 and Deed Book 438, Page 465.

The above described property being more commonly known as 305 Victor Street, Eden, North Carolina, and being further identified by the Rockingham County Tax Dept. as PIN 7070-11-65-5305-00. Deed Reference: Book 873, page 707.

WHEREAS, on the 6th day of February, 2019, the Director caused to be issued a Complaint and Notice of Hearing for the 28th day of February, 2019, which was served on the property owners by certified mail, return receipt requested, and by first class mail, the certified mail, return receipt requested was returned by the U. S. Postal Service marked "Unclaimed" and the property was posted on the 7th day of February, 2019; and

WHEREAS, the hearing was held on the 28th day of February, 2019, and the Director subsequently issued an Order on the 13th day of March, 2019, to repair, alter, improve or vacate and demolish the property; and

WHEREAS, a copy of the Order was served on the property owners by certified mail, return receipt requested, on the 20th day of March, 2019; by first class mail and by posting on the subject property on the 14th day of March, 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 name of Hilda L. Smith and Antonio Smith 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 19th day of November, 2019.

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/605 Early Avenue
Date: November 8, 2019

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. Four (4) bids were submitted to this department as follows:

Sam W. Smith, Inc.	\$ 8,000.00
Kenny Frith	\$ 3,000.00
Brad Fisher Hauling	\$ 4,400.00
Loye Grading	\$ 4,500.00

Staff recommends that Kenny Frith be awarded the bid for the demolition of the house with the lowest bid being in the amount of \$3,000.00.

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 605 Early Avenue 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:

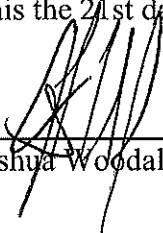
Lack of proper electrical, heating or plumbing facilities – POWER HAS BEEN OFF SINCE MARCH 2, 2018

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., October 15, 2018**, 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 September, 2018.



Joshua Woodall, Codes Inspector

LOCATION: 605 EARLY AVENUE

File No. 18001020

EXHIBIT "A"

A dwelling is unfit for human habitation **if any one (1)** of the following conditions exists:

DWELLING UNFIT FOR HUMAN HABITATION (Section 4-75)

- (1) Seriously listing, leaning or buckling interior walls or vertical studs
- (2) Deteriorating supporting members (33%), outside walls or covering (50%)
- (3) Insufficient floors or roofs
- (4) Wind or fire damage
- (5) Dilapidation, decay, unsanitary conditions or disrepair
- (6) Inadequate egress in case of fire or panic
- (7) Defects increasing fire, accident hazards
- (8) Lack of adequate ventilation, light, heating or sanitary facilities
- (9) Lack of proper electrical, heating or plumbing facilities - **POWER OFF SINCE 3/2/2018**
- (10) Lack of connection to potable water supply or public or other approved sewage disposal system

A dwelling is unfit for human habitation if it fails to fully comply with **seven (7) or more** of the following standards of dwelling fitness:

STRUCTURAL STANDARDS (Section 4-76)

- (a) Listing, leaning, buckling, rotting, deteriorated or damaged walls, partitions, supporting members, sills, joists, rafters
- (b) Inadequate floors or roofs
- (c) Deteriorated foundations, foundation walls, piers
- (d) Improperly maintained steps, stairs, landings, porches
- (e) Inadequate egress in case of fire or panic
- (f) Unsuitable materials or inadequately maintained floors, interior walls or ceilings
- (g) Inadequate provisions for weather and water tightness
- (h) Defective, deteriorated or fire hazardous chimney
- (i) Use of ground for floors or wood floors on ground

PLUMBING STANDARDS (Section 4-77a)

- (1) Lack of connection through an approved pipe distribution system to a potable water supply
- (2) Lack of sink, lavatory, tub or shower, and water closet in good working order
- (3) Lack of sink, lavatory, tub or shower, and water closet with both hot and cold water
- (4) Plumbing fixtures not in good working order
- (5) Inaccessible fixtures/inadequate privacy
- (6) Plumbing not installed and/or repaired in accordance with the state plumbing code

FINDING OF FACT AND ORDER

TO: Owners and parties in interest of the property located at **605 Early Avenue 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:

Owner's representative talked to the building inspector by telephone

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. Attached is a description of the conditions:

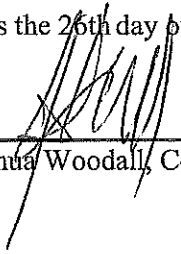
3. Due to conditions, the building and or premises described above is found to be in condition within the meaning of the City Minimum Housing Code.

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 DECEMBER 15, 2018.

This the 26th day of October, 2018.



Joshua Woodall, Codes Inspector

LOCATION: 605 EARLY AVENUE

File No. 18001020

EXHIBIT "A"

A dwelling is unfit for human habitation **if any one (1)** of the following conditions exists:

DWELLING UNFIT FOR HUMAN HABITATION (Section 4-75)

- (1) Seriously listing, leaning or buckling interior walls or vertical studs
- (2) Deteriorating supporting members (33%), outside walls or covering (50%)
- (3) Insufficient floors or roofs
- (4) Wind or fire damage
- (5) Dilapidation, decay, unsanitary conditions or disrepair
- (6) Inadequate egress in case of fire or panic
- (7) Defects increasing fire, accident hazards
- (8) Lack of adequate ventilation, light, heating or sanitary facilities
- (9) Lack of proper electrical, heating or plumbing facilities
- (10) Lack of connection to potable water supply or public or other approved sewage disposal system

A dwelling is unfit for human habitation if it fails to fully comply with **seven (7) or more** of the following standards of dwelling fitness:

STRUCTURAL STANDARDS (Section 4-76)

- (a) Listing, leaning, buckling, rotting, deteriorated or damaged walls, partitions, supporting members, sills, joists, rafters
- (b) Inadequate floors or roofs
- (c) Deteriorated foundations, foundation walls, piers
- (d) Improperly maintained steps, stairs, landings, porches
- (e) Inadequate egress in case of fire or panic
- (f) Unsuitable materials or inadequately maintained floors, interior walls or ceilings
- (g) Inadequate provisions for weather and water tightness
- (h) Defective, deteriorated or fire hazardous chimney
- (i) Use of ground for floors or wood floors on ground

PLUMBING STANDARDS (Section 4-77a)

- (1) Lack of connection through an approved pipe distribution system to a potable water supply
- (2) Lack of sink, lavatory, tub or shower, and water closet in good working order
- (3) Lack of sink, lavatory, tub or shower, and water closet with both hot and cold water
- (4) Plumbing fixtures not in good working order
- (5) Inaccessible fixtures/inadequate privacy
- (6) Plumbing not installed and/or repaired in accordance with the state plumbing code









Prepared by and Return to:
Erin B. Gilley

AN ORDINANCE AND ORDER
FOR THE DEMOLITION OF
PROPERTY AT 605 EARLY AVENUE,
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 21st day of September, 2018, the Director of the Planning and Inspections Department examined the structure owned by Jerry L. Graves and wife, Celeste B. Graves, at 605 Early Avenue, 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 5, Block 46, Glovenia Street Development as shown on a plat thereof recorded in Map Book 3, page 126 in the Office of the Register of Deeds of Rockingham County, to which plat reference is hereby made for a more complete description. Deed Reference: Book 746, page 454, Book 764, page 330, Book 856, page 101 and Book 1567, page 427.

The above described property being more commonly known as 605 Early Avenue, Eden, North Carolina, and being further identified by the Rockingham County Tax Dept. as PIN 7070-18-41-9648-00.

WHEREAS, on the 21st day of September, 2018, the Director caused to be issued a Complaint and Notice of Hearing for the 15th day of October, 2018, which was served on the property owners by certified mail, return receipt requested, and by first class mail, the certified mail, return receipt requested was returned by the U. S. Postal Service marked "Unclaimed"; and

WHEREAS, the hearing was held on the 15th day of October, 2018, and the Director subsequently issued an Order on the 26th day of October, 2018,, to repair, alter, improve or vacate and demolish the property; and

WHEREAS, a copy of the Order was served on the property owners by certified mail, return receipt requested, on the 2nd day of November, 2018; by first class mail and by posting on the subject property on the 29th day of October, 2018; 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 name of Jerry L. Graves and Celeste B. Graves 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 19th day of November, 2019.

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/626 Patterson Street
Date: November 8, 2019

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. Four (4) bids were submitted to this department as follows:

Sam W. Smith, Inc.	\$ 10,000.00
Kenny Frith	\$ 5,800.00
Brad Fisher Hauling	\$ 4,400.00
Loye Grading	\$ 10,000.00

Staff recommends that Brad Fisher be awarded the bid for the demolition of the house with the lowest bid being in the amount of \$4,400.00.

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 626 Patterson Street 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:

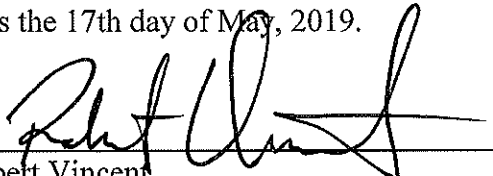
- (1) **Insufficient floors or roofs**
- (2) **Wind or fire damage**
- (3) **Dilapidation, decay, unsanitary conditions or disrepair**

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., June 11, 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 17th day of May, 2019.



Robert Vincent,
Chief Codes Inspector

FINDING OF FACT AND ORDER

TO: Owners and parties in interest of the property located at **626 Patterson Street 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 as follows:

- (1) **Insufficient floors or roofs**
- (2) **Wind or fire damage**
- (3) **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 12, 2019**.

This the 12th day of June, 2019.


Robert Vincent, Chief Codes Inspector









Prepared by and Return to:
Erin B. Gilley

AN ORDINANCE AND ORDER
FOR THE DEMOLITION OF
PROPERTY AT 626 PATTERSON 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 17th day of May, 2019, the Director of the Planning and Inspections Department examined the structure owned by Jerry Anderson and Carla P. Anderson at 626 Patterson Street, Eden, North Carolina and found it to be unfit for human habitation, that said property is more particularly described as follows:

TRACT 1: Beginning at a stake on the East side of Patterson Street, the same being North 3 deg 15 min. East 132 feet from the intersection of Patterson and Galloway Streets; thence South 87 deg. East and parallel with Lawson Street 200 feet to a stake; thence North 3 deg. 15 min. East and parallel with Patterson Street 80 feet to a stake; thence North 87 deg. West and parallel with Lawson Street 200 feet to a stake on Patterson Street; thence with Patterson Street 80 feet to the place of beginning and containing 16,000 square feet, more or less. For title reference see Deed Book 217, on Page 389 and Deed Book 1021, page 1404.

TRACT 2: Beginning at a stake on the East side of Patterson Street, which stake is a present corner of the Noel Foley and wife, Elsie Foley, tract as deeded to them on April 25, 1922, in Book 217, Page 389, and said beginning point being North 3 deg. 15 min. East 212 feet from the intersection of Patterson and Galloway Street; thence with the line of said Foley lot South 87 deg. East and parallel with Lawson Street 200 feet to a stake, a rear corner of the Noel Foley and wife, Elsie Foley lot or home place; thence North 3 deg. 15 min. East and parallel with Patterson Street 13 feet to a stake, a new corner; thence North 87 deg. West and parallel with Lawson Street 200 Feet to a stake on Patterson Street, another new corner; thence with Patterson Street South 3 deg. 15 min. West 13 feet to a stake, a corner of the present Noel Foley and wife, Elsie Foley, home tract, the place of Beginning, and being a small strip immediately adjoining the present Foley home tract, 13 feet front by 200 feet deep. For title reference see Deed Book 388, on Page 543.

The above described properties being more commonly known as 626 Patterson Street, Eden, North Carolina, and being further identified by the Rockingham County Tax Dept. as PIN 7979-05-27-3851-00.

WHEREAS, on the 17th day of May, 2019, the Director caused to be issued a Complaint and Notice of Hearing for the 11st day of June, 2019, which was served on the property owners by certified mail, return receipt requested, on the 21st day of May, 2019, by first class mail and by posting on the subject property on the 17th day of May, 2019; and

WHEREAS, the hearing was held on the 11th day of June, 2019, and the Director subsequently issued an Order to repair, alter, improve or vacate and demolish the property; and

WHEREAS, a copy of the Order was served on the property owners by certified mail, return receipt requested, by first class mail and by posting on the subject property on the 13th day of June, 2019; that the certified mail, return receipt requested was returned by the U. S. Postal Service marked "Unclaimed;" 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 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 name of Jerry Anderson and Carla P. Anderson 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 19th day of November, 2019.

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: November 8, 2019

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. Four (4) bids were submitted to this department 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

Staff recommends that Kenny Frith be awarded the bid for the demolition of the house with the lowest bid being in the amount of \$2,750.00.

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 110 Dameron Street 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 set out in the **ATTACHMENT** which is incorporated herein.

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., March 8, 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 13th day of February, 2019.



Joshua Woodall, Codes Inspector

LOCATION: 110 Dameron St.

File No. 19000150

EXHIBIT "A"

A dwelling is unfit for human habitation if **any one (1)** of the following conditions exists:

DWELLING UNFIT FOR HUMAN HABITATION (Section 4-75)

- (1) Seriously listing, leaning or buckling interior walls or vertical studs
- (2) Deteriorating supporting members (33%), outside walls or covering (50%)
- (3) Insufficient floors or roofs
- (4) Wind or fire damage
- (5) Dilapidation, decay, unsanitary conditions or disrepair
- (6) Inadequate egress in case of fire or panic
- (7) Defects increasing fire, accident hazards
- (8) Lack of adequate ventilation, light, heating or sanitary facilities
- (9) Lack of proper electrical, heating or plumbing facilities
- (10) Lack of connection to potable water supply or public or other approved sewage disposal system

A dwelling is unfit for human habitation if it fails to fully comply with **seven (7) or more** of the following standards of dwelling fitness:

STRUCTURAL STANDARDS (Section 4-76)

- (a) Listing, leaning, buckling, rotting, deteriorated or damaged walls, partitions, supporting members, sills, joists, rafters
- (b) Inadequate floors or roofs
- (c) Deteriorated foundations, foundation walls, piers
- (d) Improperly maintained steps, stairs, landings, porches
- (e) Inadequate egress in case of fire or panic
- (f) Unsuitable materials or inadequately maintained floors, interior walls or ceilings
- (g) Inadequate provisions for weather and water tightness
- (h) Defective, deteriorated or fire hazardous chimney
- (i) Use of ground for floors or wood floors on ground

PLUMBING STANDARDS (Section 4-77a)

- (1) Lack of connection through an approved pipe distribution system to a potable water supply
- (2) Lack of sink, lavatory, tub or shower, and water closet in good working order
- (3) Lack of sink, lavatory, tub or shower, and water closet with both hot and cold water
- (4) Plumbing fixtures not in good working order
- (5) Inaccessible fixtures/inadequate privacy
- (6) Plumbing not installed and/or repaired in accordance with the state plumbing code

FINDING OF FACT AND ORDER

TO: Owners and parties in interest of the property located at **110 Dameron Street 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 as follows:

- (3) **Insufficient floors or roofs**
- (5) **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 **June 13, 2019**.

This the 13th day of March, 2019.



Joshua Woodall, Codes Inspector





Prepared by and Return to:
Erin B. Gilley

AN ORDINANCE AND ORDER
FOR THE DEMOLITION OF
PROPERTY AT 110 DAMERON 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 12th day of February, 2019, the Director of the Planning and Inspections Department examined the structure owned by Samuel David Robertson at 110 Dameron Street, Eden, North Carolina and found it to be unfit for human habitation, that said property is more particularly described as follows:

Tract 1: Beginning at an iron stake on the East edge of Land Street, said stake being North 5 deg. and 38' East 110 feet from the Northeast corner of the intersection of Church Street by Land Street; thence running South 84 deg. and 22' East 150 feet to a stake; thence running North 5 deg. and 38' East 100 feet to a stake, marking a corner of Pedd H. Evan's lot; thence running North 84 deg. and 22' West 150 feet to a stake on the East edge of Land Street; thence running with the East Edge of Land Street South 5 deg. and 38' West 100 feet to the beginning, same containing 15,000 sq. ft. more or less. The survey for this boundary was made by W. B. Trogdon for the Spray Water Power and Land Company.

Tract 2: Beginning at an iron stake on the West edge of Davis Street; said stake being 0 deg. and 9' East 283.5 feet from the Southwest corner of the crossing of Spring Street by Davis Street, and marking the southeast corner of lot 12, owned by Vora Evans; thence running with the South line of lot #12 North 84 deg. 22' West 141.2 feet to a stake in said Evan's East line; thence running South 5 deg. 38' West 56.3' feet to a stake in the East line of lot #2, belonging to R . L. Simpson; thence running South 84 deg. 22' East 146.8 feet to a stake on the West edge of Davis Street; thence running with the West edge of Davis Street, North 0 deg. 9' West 56.56 feet to the beginning. Same being lot #13 in section #12 on Primitive Heights as shown by Survey and Map of Primitive Heights made by W. B. Trogdon, Greensboro, N. C. for Spray Water Power and Land Company in the year 1920, the same to be placed on file in the Register of Deeds Office for Rockingham County, N. C.; and to which reference is hereby made. This lot contains 8,099 sq. ft., more or less.

The above described properties being more commonly known as 110 Dameron Street, Eden, North Carolina, and being further identified by the Rockingham County Tax Dept. as PIN 7070-14-44-3159-00.

WHEREAS, on the 13th day of February, 2019, the Director caused to be issued a Complaint and Notice of Hearing for the 8th day of March, 2019, which was served on the property owner by certified mail, return receipt requested, on the 15th day of February, 2019, by first class mail and by posting on the subject property on the 13th day of February, 2019; and

WHEREAS, the hearing was held on the 8th day of March, 2019, and the Director subsequently issued an Order to repair, alter, improve or vacate and demolish the property; and

WHEREAS, a copy of the Order was served on the property owner by certified mail, return receipt requested, on the 21st day of March, 2019, by first class mail and by posting on the subject property on the 14th day of March, 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 he 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 Samuel David Robertson 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 19th day of November, 2019.

CITY OF EDEN

BY: _____
Neville A. Hall, Mayor

ATTEST:

Deanna Hunt, City Clerk

CITY OF EDEN – MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: TERRY SHELTON, INTERIM CITY MANAGER

DATE: NOVEMBER 8, 2019

SUBJECT: RECOMMENDATION TO CHANGE TO WHOM THE CITY ATTORNEY REPORTS

When the current City Attorney position was created, the attorney's position was to be the attorney to the City Council and attorney to the City staff. Based on the events with the previous city manager, it is my recommendation that the Council consider approval of making the City Attorney solely accountable to the City Council and not be an employee under the City Manager. I do believe the City Attorney position needs to continue to be available to city staff as it is an invaluable asset to be able to consult the attorney on all matters of a legal nature for the staff to avoid mistakes and possibly making decisions that increase risk and liability for our City.

If the City Council finds this arrangement acceptable, it is my recommendation that the City Council vote to change the oversight of the city attorney and make this position accountable to the Council. As a companion part to the approval of this recommendation, the Council should also approve Council 5.0 in the next agenda item. Policy Council -5.0 (if approved) would set the procedure for the Council to have oversight in place for the Attorney by evaluating the Attorney on an annual basis.

CITY OF EDEN – MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: TERRY SHELTON, INTERIM CITY MANAGER

DATE: NOVEMBER 8, 2019

SUBJECT: RECOMMENDATION FOR CONSIDERATION AND APPROVAL OF POLICY
CREATION AND REVISION FOR BETTER FINANCIAL OVERSIGHT AND CONTROL

The events of the last 90 days regarding the former city manager have been devastating to internal morale, brought questions of the integrity of our city staff and our Council by our citizens, and the general feeling of citizens that there is a lack of control of tax dollars. At the request of the Mayor and Council Members, I have, with the help of staff, created these policies and procedural changes that I am submitting to you for your approval. These policies and procedural changes have been developed with input from the city attorney, our finance director, the city's auditor, and discussions with law enforcement officers who investigated financial improprieties the City has experienced for a number of years. These measures are meant to tighten financial oversight throughout the City and are particularly targeted at the city manager's position to provide oversight of unauthorized spending.

These measures are the first steps in tightening up financial oversight of spending by the city manager. We are also in discussions with the North Carolina League of Municipalities staff members who specialize in financial control and personnel. The League of Municipalities staff is currently reviewing the City of Eden's financial and personnel policies. They are expected to make recommendations for improving policies and/or provide insight into the development of additional policies that may be needed. The Forensic Audit that City Council has hired a outside auditor to conduct may bring to light addition findings where more policy controls are needed for financial oversight. Further recommendations will be presented to Council for additional development, revision, or changes in policies when we receive recommendations from the League of Municipalities and the Forensic Auditor.

The following New Policies or Procedural Changes are submitted for your consideration and approval.

New Policies

- Council 1.0 – Oversight of the Manager's Travel and Discretionary Expenditures
- Council 2.0 - Annual Review of the City Manager by Council
- Council 3.0 - Monthly Voucher List Will be Sent to The Council
- Council 4.0 - Annual Review Of The City Clerk By Council
- Council 5.0 - Annual Review of The City Attorney By Council

Revised Policies and Personnel Ordinance Revision

- FIN-2 Finance Payroll Checks/Direct Deposit
- Personnel Ordinance 10-5.5 Employment of Relatives

Procedural Changes

- We began the process requiring direct deposit of payroll checks of all employees on September 3. This was required to close a potential improper deposit of payroll checks into other accounts besides that of the employee earning the wages. This revision of Policy FIN-2 mandates the direct deposit of all regular employees' payroll checks.

New or Revised Policies

Typically, the City Manager signs off on policies created for the City as a whole and individual departments, and that may continue to work well for most policies. New policies presented here to you for consideration are designated as Council 1.0, 2.0, 3.0, 4.0, and 5.0. These policies apply directly to the City Manager and his duties, the City Attorney and the City Clerk. These policies will, if approved by the Council, be signed by the Mayor. These policies can then only be changed or repealed by the City Council as these policies are directed at providing oversight of financial activities and personnel who report directly to the Council.

What these policies do:

- Council - 1.0 the purpose of this policy is to establish financial control procedures for oversight of travel and discretionary expenditures by the City Manager. These expenditures will be reviewed and require approval by the Mayor or Mayor Pro Tem.
- Council - 2.0 the purpose of this policy is to establish an annual review of the City Manager's previous year's performance, consider any revisions to the manager's contract, and consider any change in the manager's salary or benefits. This annual review will provide an opportunity for all members of Council to participate in the oversight of the manager who is their employee.
- Council - 3.0 the purpose of this policy is to establish the procedures for the Accounts Payable list. The Accounts Payable Clerk will provide the previous month's voucher list to the City Manager, City Clerk, Finance Director and Assistant Finance Director by the fifth of each month. The voucher list will provide check numbers, to whom the checks were made payable, a description, and the amount of all checks written the previous month. The City Clerk will forward the monthly voucher list to the Council Members for their review in the Monthly Meeting Agenda Package.
- Council - 4.0 the purpose of this policy is to establish an annual review of the City Clerk's previous year's performance and consider any change to the clerk's salary and benefits. The City Clerk is an employee of the Council as stated in the City Code.
- Council - 5.0 the purpose of this policy is to establish an annual review of the City Attorney's previous year's performance and consider any revisions to the attorney's contract benefits and compensation. This annual review will provide an opportunity for all members of the Council to participate in oversight of the City Attorney, who is their employee.



COUNCIL ADMINISTRATIVE POLICIES & PROCEDURES MANUAL		Subject: Oversight Of The Manager's Travel And Discretionary Expenditures	
Number: Council -1	Revision: 1	Effective Date: November 19, 2019	Page: 1 of 1
Supersedes:		Neville Hall, Mayor	

Council 1.1 Purpose.

The purpose of this policy is to establish financial control procedures for oversight of travel and discretionary expenditures by the City Manager.

Council 1.2 Guidelines.

A. Authorization

The City Manager's travel and registration to attend conferences and training seminars will be pre-approved by the Mayor or Mayor Pro Tem before these events. The City Manager will complete all forms issued by Finance for travel and registration for conference or training seminars as prescribed in Travel Policy FIN-9. The city credit card will be requisitioned from Finance as needed for travel or attendance of conferences and seminars.

Credit card expenditures by the City Manager of items not in the budget approved by Council will be reviewed and approved by the Mayor or Mayor Pro Tem.

B. Procedure:

The Accounts Payable Clerk will provide a list of discretionary expenditures including travel expense reports (not including budgeted expenditures already approved by the City Council) to the Mayor and Mayor Pro Tem for review and approval prior to paying or reimbursing expenditure for the City Manager.

C. Reconciliation

All travel and conference and training seminar expenses and associated credit card charges will have the appropriate documentation forms and receipts submitted to finance within ten days of the expenditures. The documentation submitted will be reviewed by the finance director and the Mayor or Mayor Pro Tem.



COUNCIL ADMINISTRATIVE POLICIES & PROCEDURES MANUAL		Subject: Annual Review of the City Manager by Council	
Number: Council -2.0	Revision: 1	Effective Date: November 19, 2019	Page: 1 of 1
Supersedes:		Neville Hall, Mayor	

Council 2.1 Purpose.

The purpose of this policy is to establish an annual review of the City Manager’s previous year’s performance, consider any revisions to the manager’s contract, and consider any change in the manager’s salary or benefits. This annual review will provide an opportunity for all members of Council to participate in the oversight of the City Manager, who is their employee.

Council 2.2 Guidelines.

The City Manager's Annual Review will be conducted in January of each year in closed session. The City Attorney will give each member of Council an evaluation form on December 1, which Council Members will complete and return to the attorney. The attorney will consolidate the individual evaluation forms and return the consolidated form to the Council by January 10. Without the presence of the City Manager, with the City Attorney and City Clerk present, the Mayor will conduct the first part of the closed session meeting for the Council Members to review the evaluation, discuss any changes to be made in the manager’s contract, discuss any changes in the coming year’s salary or benefits for the manager, and discuss any changes the Council would like to see in the manager’s performance or his/her administration of the City’s operation. When the Council’s deliberation is complete, the manager will be asked to join the closed session for the Mayor and Council to discuss his/her evaluation, contract changes if any, changes in compensation or benefits, or changes they would like to see in his/her performance or administration of the City’s operation.



ADMINISTRATIVE POLICIES & PROCEDURES		Subject: Accounts Payable Voucher List Will be Sent to Council	
Number: Council 3.0	Revision: 1	Effective Date: November 19, 2019	Page: 1 of 1
Supersedes:		Neville Hall, Mayor	

- 3.1 Authority: Approved by the City Council on November 19, 2019.
- 3.2 Purpose: To establish the procedures for the Accounts Payable Voucher List.
- 3.3 Applicability: This procedure will apply to all checks written by the Accounts Payable Clerk.
- 3.4 Procedure: The Accounts Payable Clerk will provide the previous month's voucher list to the City Manager, City Clerk, Finance Director and Assistant Finance Director by the 5th of each month. The voucher list will provide check numbers, to whom the checks are made payable to, a description, and the amount for all checks written the previous month.
- The City Clerk will forward the monthly voucher list to the City Council Members for their review in the Monthly Meeting Agenda Package.



COUNCIL ADMINISTRATIVE POLICIES & PROCEDURES MANUAL		Subject: Annual Review of the City Clerk by Council	
Number: Council -4.0	Revision: 1	Effective Date: November 19, 2019	Page: 1 of 1
Supersedes:		Neville Hall, Mayor	

Council 4.1 Purpose.

The purpose of this policy is to establish an annual review of the City Clerk’s previous year’s performance, and consider any change in the clerk’s salary or benefits. This annual review will provide an opportunity for all members of Council to participate in the oversight of the City Clerk, who is their employee.

Council 4.2 Guidelines.

The City Clerk’s Annual Review will be conducted in March of each year in closed session. The City Manager will give each member of the Council an evaluation form on February 1, which Council Members will complete and return to the attorney. The attorney will consolidate the individual evaluation forms and return the consolidated form to Council by March 10. Without the presence of the City Clerk, with the City Manager and City Attorney present, the Mayor will conduct the first part of the closed session meeting for the Council Members to review the evaluation and discuss any changes to the evaluation, discuss any changes in the coming year’s salary for the clerk, and discuss any changes the Council would like to see in the clerk’s performance or his/her participation in the City’s operation. When the Council’s deliberation is complete, the clerk will be asked to join the closed session for the Mayor and Council to discuss his/her evaluation with the clerk, changes in compensation, or changes they would like to see in his/her performance or participation in the City’s operation.



COUNCIL ADMINISTRATIVE POLICIES & PROCEDURES MANUAL		Subject: Annual Review of the City Attorney by Council	
Number: Council -5.0	Revision: 1	Effective Date: November 19, 2019	Page: 1 of 1
Supersedes:		Neville Hall, Mayor	

Council 5.1 Purpose.

The purpose of this policy is to establish an annual review of the City Attorney’s previous year’s performance, consider any revisions to the attorney’s contract benefits and compensation. This annual review will provide an opportunity for all members of Council to participate in the oversight of the City Attorney, who is their employee.

Council 5.2 Guidelines.

The City Attorney’s Annual Review will be conducted in February of each year in closed session. The City Manager will give each member of the Council an evaluation form by January 2, which Council Members will complete and return to the City Manager. The City Manager will consolidate the individual evaluation forms and return a consolidated evaluation form to Council by February 10. Without the presence of the City Attorney, with the City Manager and City Clerk present, the Mayor will conduct the first part of the closed session meeting for the Council Members to review the evaluation and make any appropriate changes in the coming year’s salary for the attorney, and discuss any changes the Council would like to see in the attorney’s performance or his/her participation in the City’s operation. When the Council’s deliberation is complete, the attorney will be asked to join the closed session for the Mayor and Council to discuss his/her evaluation, changes in compensation, or changes they would like to see in his/her performance or participation in the City’s operation.



FINANCE PROCEDURES MANUAL		Subject: Finance Payroll Checks/Direct Deposit	
Number: FIN-2	Revision: 3	Effective Date: November 19, 2019	Page: 1 of 1
Supersedes: February 6, 2018		Terry Shelton, Interim City Manager	

FIN - 2.0 Purpose:

Approved by the City Council on November 19, 2019.

To Establish the procedures for eliminating the issuing of Payroll Checks, issuing Payroll Vouchers, and requiring all employees to have Direct Deposit.

FIN – 2.1 Applicability:

This procedure will apply to all Payroll for City of Eden Employees.

FIN - 2.2 Procedure:

After the payroll is keyed, the Payroll Clerk will give all timesheets with a copy of the payroll register to the Assistant Director of Finance to be proofed. The Payroll Clerk will issue the direct deposit vouchers to the appropriate Department Head, or designated person. The Finance Director will issue one payroll checks to all new employees to start the direct deposit process. The Department Head, or designated person, will issue payroll vouchers to all departments outside City Hall after 2:00pm on Thursday of a pay week, and to City Hall employees at 8:00am of payday. All City of Eden Employees will submit a voided check or bank routing number and account number on bank letterhead to the Assistant Human Resources Director or Assistant Finance Director to start Direct Deposit. The Direct Deposit will pre-note the first payroll after banking information has been submitted, and will then start immediately the next payroll.

FIN 2.3 Exception:

Any department that has an employee who has been completely left off a timesheet; it must be approved by the City Manager.

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 V of Chapter 10 of the Eden City Code is amended as follows:

§ 10-5.5 EMPLOYMENT OF RELATIVES.

(A) A member of an immediate family shall not be employed as a full-time or part-time employee if such employment will result in an employee directly supervising (immediate supervisor) a member of their immediate family. This policy applies to promotions, demotions, transfers, reinstatements and new appointments. The provisions of this section shall not be retroactive, and no action is to be taken concerning those members of the same family employed at the time of the adoption of this section.

(B) For the purpose of this section, immediate family shall be defined as spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren, aunt, uncle, nephew, niece plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named.

(C) The City Manager is prohibited from hiring any of his/her immediate family to work for the City of Eden in any capacity to avoid any impropriety, potential for ethical conflicts of interest, and to avoid degradation of overall employee morale or citizen concerns of perceived or actual favoritism (nepotism).

(Ord. passed 5-17-94; Am. Ord. passed 7- -98; Am. Ord. passed 8-29-09; Am. Ord. passed 11-19-19)

APPROVED, ADOPTED AND EFECTIVE, this 19th day of November, 2019

CITY OF EDEN

By: _____
Neville Hall, Mayor

ATTEST:

Deanna Hunt, City Clerk

City Manager's Report – November 2019

Administration

Citizens Academy

The City's Citizens Academy began in 2011 with the aim to provide residents with an in-depth look into municipal government and find out information about the services and programs of the City. This year, we had nine citizens graduate on Oct. 15: Scottie Eanes, Phil Hunnicutt, Karla McDonald, Mike Moore, Fran Peters, Joseph Smith, Earnest Valentine, Jacklin Valentine and Dale Warren. We appreciate these citizens who took the time to learn more about their city and we hope you will do so in the future. Look for information about our 2020 Citizens Academy to come out in July.

Economic & Tourism Development

Industry

Gildan Yarns

On October 16, 2019, Gildan Yarns announced 85 new jobs in Eden. The company will invest approximately \$5 million to revamp and operate a new yarn spinning mill in Eden after acquiring the former SGRTex building and equipment located at 335 Summit Road.

Gildan Yarns is the yarn spinning division of Gildan, a leading apparel manufacturer headquartered in Montreal, Canada. This new location will be the company's fifth state-of-the-art yarn spinning mill in North Carolina. Eden is also home to Gildan's first large scale distribution center. Starting with a 200,000 distribution center in 2000, Gildan distribution and yarn spinning will soon occupy a combined 2.2 million SF of four Eden facilities and employ in excess of 600 people.

"We are very pleased to expand our operations in the Eden community and to invest in a new yarn spinning facility," said Chuck Ward, President of Gildan Yarns. "This will be the company's seventh yarn spinning facility in the US. We are particularly proud to contribute to creating an additional 85 jobs in Eden in the next year as we open and ramp up our new operation." **Gildan is hiring now for technicians and operators to run their state of the art spinning and carding equipment. To apply for these positions, visit their 335 Summit Road facility.**

Dominion Energy: First Mega Site Tenant

Dominion is building a 500 megawatt combustion turbine power plant which will be a total investment of more than \$200 million and is projected to be the first business at the Southern Virginia Megasite at Berry Hill, located in Pittsylvania County a few miles west of Danville. The power plant at Berry Hill is projected to be completed and operational by April 2022, said Rayhan Daudani, Dominion Energy spokesman. This project will allow the county to generate revenue to put back into improving the infrastructure at the megasite and attracting additional industry, said Matt Rowe, director of economic development for Pittsylvania County.

“It just catalyzes the rest of the development of the park for large automotive and advanced manufacturing users,” he said. Though currently unoccupied, the Southern Virginia Megasite, which is jointly owned by the city of Danville and Pittsylvania County, is the largest industrial park in Virginia at 3,528 acres. Daudani said the incentive package still is being negotiated between Pittsylvania County and Dominion Energy.

Morgan Olson Manufacturing

On October 25, 2019, it was announced that Morgan Olson, a company that manufactures aluminum walk-in vans often used by delivery services, will be opening a van assembly plant in Danville, VA bringing 700 jobs. The new plant will take over the site of the IKEA plant, which is closing this December. This is a 1 million square foot facility, only eleven years old and a good fit for this manufacturing company. Morgan Olson is the primary manufacturer of delivery vehicles for UPS, FedEx Ground and laundry companies, among others.

This is good news for Eden residents because at least 30% of the employees working there will be NC residents, just as 30% on average of Eden companies are staffed by VA residents.

Dana Weston, Former CEO of UNC Rockingham Healthcare

Dana Weston resigned from her CEO post in October of 2019. To say that Dana had a tremendous impact on the hospital and Eden in general would be a huge understatement. Dana helped navigate Morehead Hospital through bankruptcy and into the UNC Healthcare system. Being an integral part of saving Eden’s largest employer is significant indeed. She was a much sought after speaker who always spoke very highly of Eden. The 2016 commencement address she delivered to the graduating class of Rockingham Community College was creative, informative and memorable. Dana imparted much wisdom to these students, lessons that will help them along their future life journeys. It is well worth watching on You Tube. Dana is one of the smartest and most talented executives to ever work in Eden. We wish her the very best in her future career endeavors and thank her for making such a difference in our community.

--Mike Dougherty, Director of Economic Development

UNC Rockingham Healthcare—Interim CEO

On Oct. 25, 2019 UNC Health Care announced that veteran health care leader Steve Eblin of Asheboro, NC was appointed to the role of Interim Chief Executive Officer for UNC Rockingham Health Care in Eden, NC. Eblin will lead the organization as a national search for a permanent CEO is conducted. He assumed his new role on Wednesday, October 30th.

“We’re very pleased to introduce Steve as UNC Rockingham’s new senior leader,” said Chris Ellington, President UNC Health Care Network Hospitals. “He brings 32+ years of total health care experience to the position, and we are confident he will be able to continue the growth UNC Rockingham has experienced over the past two years of service to the region in and around Rockingham County.”

Eblin’s overall health care experience has included a variety of leadership roles over a 25-year period with Randolph Hospital / Randolph Health. Randolph Health is a comprehensive health system comprised of a 145-bed hospital and 26 outpatient centers and physician offices

throughout Randolph County. During his 25 years there, Eblin served as President and CEO of Randolph Health for a six-year period (2012 – 2018). During that time, the organization saw a 25% improvement in team member engagement due to the creation of a culture based on trust, mutual respect, collaboration, and accountability. During his leadership tenure, Eblin was part of a team which led Randolph's evolution from a small community hospital to a large scale, \$120 million, high-quality health system.

Eblin's other health care experience with Randolph Health and elsewhere includes:

- Vice President, Corporate Planning and Development, Randolph Hospital
- President, Randolph Medical Associates
- President, Randolph Specialty Group
- Chairman, Central Piedmont Surgery Center
- Director of Marketing & Communications, Adena Regional Medical Center, Chillicothe, OH

At UNC Rockingham, Tonya Brown will serve as one of Eblin's senior-most leaders. Brown was recently named to the dual role of Interim Chief Operating Officer (COO) and Chief Financial Officer (CFO) for UNC Rockingham. Brown has more than 20 years of health care experience and has been a member of UNC Rockingham's Executive Management Team for 16 months.

Commercial **Planet Fitness**

An official grand opening for this Kingsway Plaza facility took place on November 13th followed by its first official opening day on November 14th. People can join by calling 336-279-5603 or visiting www.planetfitness.com/gyms/eden-nc

Kentucky Fried Chicken—Returning Soon!

Plans for the new restaurant are being fast-tracked through the City of Eden Planning and Inspections Department so construction can begin as soon as possible on the new restaurant. Initial reports were that the construction process will take 4-5 months.

Zip's Car Wash

Hutton Construction has started work on the former Sonic site on which it will place a Zip's Car Wash. This company provides unlimited washes for a monthly fee. Visit their web site to learn more about their monthly plans at www.zipscarwash.com

Gordman's Department Store

Kotis Properties, owner of Kingsway Plaza, has confirmed that this store will soon be coming to Eden in the former Peeble's space. Gordman's is a chain of Midwestern off-price department stores founded in Omaha, Nebraska. The retailer operates 141 locations in 22 states in the United States. In order for this store to remain in Eden it will have to be supported by local residents. Please check them out before buying on-line or shopping out of town.

Small Business Saturday

A proclamation in support of Small Business Saturday will be presented at the November 19, 2019 Eden City Council meeting. Currently there are 30.2 million small businesses in the United States,

representing 99.7 % of all businesses with employees, and small businesses are responsible for 65.9 % of net new U.S. jobs from 2000-2017. The proclamation will be read by Mayor Neville Hall whose wife is co-owner of The Front Porch, one of Eden’s most successful downtown businesses. Small Business Saturday is Saturday, November 30th. We hope all Eden residents will shop locally that day to support our small business community.

Eden Internal Medicine—Expanding

An open house was held at Eden Internal Medicine on Sunday, November 3rd to celebrate the opening of their new office expansion at 406 Thompson Street, Suite A in Eden. New practitioners Naitik Panwala, PA, Mackenzie Barham, DNP,AGNP-C and Taylor Woodson, FNP-C are the new practitioners at this practice. Call 336- 627-4896 for more information.

WINTERFEST

Please join us for an evening of Winter Fun for the entire family on Saturday, December 7 from 5 to 8 in beautiful Grogan Park located at 308 E. Stadium Drive on the campus of City Hall. Eden Tourism & Rockingham County Schools are very excited about this year’s event that will include the following:

- Tree Lighting at 6:30 p.m.
- Santa Visits
- Characters from FROZEN
- Balloon Ice Castle
- Outdoor Movie
- Inflatable Slide
- First-Ever WHO’S WHO OF CHILI
- Hot Chocolate and Warm Cider
- S’mores Bar
- Neighborhood Holiday Light Tour
- Extraordinary basket raffle to benefit United Way

SEE YOU THERE!

HOLIDAY HAPPENINGS

- November 29 – Leaksville Night-Time Christmas Parade – 6:30 p.m.
- December 3 – Draper Tree Lighting – 6:00 p.m.
- December 7 – Draper Children’s Christmas Parade – 11:00 a.m.
- December 7 – Winterfest – 5 to 8 p.m.
- December 8 – Christmas Home Tour & Bake Sale

DATES FOR 2020 EVENTS – MARK YOUR CALENDARS NOW!!

- Hispanic Heritage Day – May 12

- Spring Grown & Gathered – May 21
- Piedmont Pottery Festival – June 6
- Oink & Ale – June 20
- Shaggin’ on Fieldcrest – July 25
- Summer Grown & Gathered – August 13
- Touch-A-Truck – August 22
- RiverFest – September 18 & 19
- Winterfest – December 5

EXPLORE EDEN FACEBOOK PAGE

We have surpassed 8,000 followers and are still growing! Join our page to keep up with all the fun and exciting things happening in Eden, NC!

Downtown

The Henry Street pocket park mural was unveiled Friday, November 8th at an official ceremony at 6:00pm. Mayor Hall spoke of the importance of public art, then was followed by muralist Brandon Hardison.

A Christmas Jingle and Mingle is planned November 29- 31 at Sophisticated Rubbish, 633 Monroe Street, with other Leaksville area merchants participating.

Façade Grant

Two façade grant applications have been approved for 637 and 639 Washington Street. Both buildings have replaced torn/ missing awnings with matching colorfully stripped fabric awnings.

Draper MSD

The Draper Municipal Service District members are searching for volunteers to help restring new bulb wiring and install LED bulbs on the angel lights that are hung from poles downtown at Christmas time. If you can help, please contact Main Street Manager Randy Hunt at rhunt@edennc.us.

Cars and Coffee

Our last 2019 Cars and Coffee was held at the Family Video parking lot Saturday October 26th. If you would like to help organizer or sponsor 2020 events, please contact Main Street Manager Randy Hunt at rhunt@edennc.us.

Eden Downtown Development Inc.

The fire hydrant painting project has been completed in the downtown areas. There is strong public support for the program. The City of Eden's Appearance Commission has agreed to administer the program in other areas of Eden.

Boulevard Merchants

The merchants hosted a Boo-la-Vard! Halloween parade October 31st featuring trick or treating, face painting and a costume contest. Planning has begun for the Spring Food Truck Rodeo. A Christmas window decorating contest is planned for late November through December. The merchants are arranging to retrofit the donated Christmas Stars from the Leaksville Merchants association.

RCC Small Business Center

Three Eden businesses are working closely with the Center and SBA to purchase property to both open and expand business. The Boulevard project should be completed first then the next project in Draper.

Klyce Street River Landing

Work had been delayed because of bad weather; our goal is to have the steps in by the end of the month. Look forward to an official ribbon cutting this fall.

Engineering

2019-20 Street Resurfacing Contract

APAC Atlantic, Inc. completed the street resurfacing on Price Street, Cedar Street, Anderson Street and Church Street last month. The remaining nine streets on this year's paving contract will be resurfaced in the spring of 2020.

This completes all of our paving operations for 2019.

Parks & Recreation

NSA Tournament

There is a NSA Tournament scheduled at Freedom Park November 23-24, 2019.

There is a NSA Tournament scheduled at Freedom Park December 7-8, 2019. This is the last tournament scheduled at Freedom Park for 2019. Staff will do the scheduling for Freedom Park for 2020 the first week of December 2019.

Basketball

The City's Youth Basketball program is in full swing and players are practicing at the Bridge Street Recreation Center and the Mill Avenue Gym. Games will begin in December 2019.

Football

The City of Eden Prowlers Football Banquet will be held in the Eden Room at City Hall on December 8, 2019.

Staff

Staff will conduct the Monthly Pod Cast with Mike Moore Media on Parks and Recreation on December 6, 2019.

Staff will attend a Be Healthy Rockingham County Meeting on December 11, 2019.

Santa Visits

Staff will be doing Santa Visits from December 1 – 20, 2019, and will take reservations for Santa calling from December 1 -16, 2019 and will have Santa make calls December 17 & 18, 2019.

Planning & Inspections

Code Enforcement

3 notices were mailed by certified mail and first class mail that affect the following number of properties: 1 for disabled vehicles and 1 for zoning violations.

We have been told that the construction loans for both **620 and 624 Washington St.** have been completed. Construction progress should increase quickly. The plans for 624 Washington St. have now been submitted and the review process is underway. The site prep for the new **KFC** is complete and footings are expected to be ready some time tomorrow. The new **Zip's carwash** site prep is close to being finished and actual construction should begin soon.

The house at 515 Flynn Street was demolished on October 29, 2019. Control + Click to access the following link: <https://www.facebook.com/debra.madison.9/videos/2895162073847692/>

Inspections

182 inspections were made by department staff during the month of October.

GIS

The Planning and Inspections Department staff met with staff from the C & D Division to identify sewer data that needs to be corrected on the GIS maps.

General

Prepared the documents and PowerPoint presentation for the Strategic Planning Commission meeting held on Friday, November 8, 2019.

The bids were received for the five demolitions being presented to the City Council and the Memos and Ordinance were prepared for the meeting.

Strategic Planning Commission

At the regular meeting of the Strategic Planning Commission, they recommended projects for approval to the City Council. Those included changes to the façade grant program and awarding of face grants that were submitted by Mike Dougherty.

Our department submitted a request for the re-write of our land use regulations into a Unified Development and to meet requirements for changes adopted by the NC General Assembly that have a drop dead date of January 1, 2021.

Community Appearance Commission

Prepared minutes and agenda for meeting on 11-12-19 (rescheduled from 11-5-19). Commission will discuss downtown beautification projects.

Boards and Commissions - Council Agenda

Updated boards and commissions members list and attendance and prepared memo to council for upcoming reappointments.

Stadium Drive Sidewalk

We expect to receive a contract from Wetherill Engineering for this project. We received an email from Don Huffines from NCDOT stating that under the current state budget situation, we cannot proceed further than the design stage without specific permission from the Chief Engineer for NCDOT in Raleigh.

Grants:

CDBG

We received notification that the City of Eden has been awarded a \$750,000 housing and infrastructure grant from the Department of Commerce. This grant will focus on the Draper Mill Village areas.

Pedestrian Plan

The North Carolina Department of Transportation sent word today that the City of Eden has been awarded a Pedestrian Planning Grant, as approved by the Board of Transportation.

Nantucket Mill

In conjunction with the property owner of the Nantucket Mill, I am working with 2 consultants concerning grants for this vital project.

811 Locates and Water /Sewer

Josh helped Kevin London install a tracer wire test station on the Berry Hill sewer line to facilitate easier locates in the future.

Josh also assisted in an emergency locate called in for a hit gas line on the Berry Hill water line project.

Josh developed a base map for the acquisition of an easement on Hunter St/Circle Dr. There is a drainage issue with a City drop inlet box and will require the city to make repairs on private property. Josh is working with Erin Gilley to draft the required legal documents.

Josh completed his Level 1 Erosion and Sedimentation Control Installer/Inspector certification course/test provided by NC State.

Matrimony Creek Greenway

Josh has designed a landscape plan for the Matrimony Creek Greenway. Ray Thomas is going to work with Josh on installing the plants in-house.

Landscaping at Meadow Road and Stadium Drive

Josh met with NCDOT regarding the landscape island located at the intersection of Stadium Dr. and Meadow. NCDOT has requested that some of the plants are changed for sight visibility. Josh expects to have the plans sent back to NCDOT for approval on or before Friday, November 15.

Misc. and Office Support

Debbie Galloway is now performing desk duty every day from 10-2. In that she manned counter, assisted with inspections, assisted customers, issued permits, prepared reports, mailed permits, filed, posted payments and answered phone for dept. Entered inspections, confirmed property owner information, updated inspection spreadsheet information, assisted with other inspection information.

Bob Vincent is on the counter from 8-10 and from 2-5.

The rest of us are backup when these two staffers are either busy with customers or away from the office.

Police

Stand Against Litter

The Eden Police Department continues to post a Public Service Announcement on the Eden Police Department's Facebook page asking citizens to Stand Against Litter as part of the county wide 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.

Fundraiser

This year, our department will be participating in ‘No Shave November’ and ‘Crazy Nail / Casual Dress November’ fund raising campaign. We will be supporting one of the members of our “First Responder” family this year. Emily Thacker is a Rockingham County 9-1-1 Telecommunicator and a volunteer in the Eden Rescue Squad. Emily is a 34 year old single mother of three children (ages 11, 6, 5) and lives in Eden. Emily was diagnosed with Stage 1 Invasive Ductal Carcinoma Breast Cancer. Emily has been a trooper since her diagnosis. She has had multiple doctor’s appointments for testing, scans, and biopsies. Emily has had to leave work for appointments and came back to work afterwards. This will be, not only a lengthy process for her but a costly one as well. For our female officers and clerical staff, November and December 2019 will be casual dress and we also encourage our female officers and clerical staff to paint their fingernails a pink or lavender for cancer awareness.

We have scheduled our mandated fall in-service training for the fall. The training dates will be November 4, 18 and 25. The training will be from 10am-10pm and include fall firearms qualification.

Facebook Page

The Eden Police Department would like to continue to encourage the citizens of our community to utilize the Eden Police Department’s 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.

Public Utilities

EPA Administrative Order on Consent (AOC)

The City’s efforts to comply with second EPA AOC is now solidly underway. We must now complete our Remediation Plan Work before April 22, 2022 (5 years). The Digester Improvement Project at the Mebane Bridge Wastewater Treatment Plant is now underway. The Remediation Plan has 10 phases consisting of bid 8 groups of similar projects. The initial bid date for groups I, II, VI, VII and VIII was September 19, 2019. There were not enough bids for any of the project groups and the rebid was held on October 10. The date of the initial bid for groups III, IV, and V was on October 29th, and bid groups IV and V are up for rebid on November 14 2019.

City staff is meeting with NC Division of Water Infrastructure on November 21, in Raleigh to discuss options since many of the bids are coming in higher than expected and time for completion is getting short.

The staff has completed working on the City of Eden’s EPA AOC Semi-Annual Update Report that for November 22, 2019. This report is a requirement of the Administrative Order on Consent.

CITY OF EDEN, N.C.

A special meeting of the City Council was held on Tuesday, October 8, 2019 at 6 p.m. in the Conference Room of Eden City Hall. Those present for the meeting were as follows:

Mayor:	Neville Hall
Council Members:	Bernie Moore
	Jim Burnette
	Angela Hampton
	Darryl Carter
	Jerry Ellis
	Jerry Epps
	Sylvia Grogan
Interim City Manager:	Terry Shelton
City Clerk:	Deanna Hunt
City Attorney:	Erin Gilley

Council Member Epps joined the meeting at 6:06 p.m.

MEETING CONVENED:

Mayor Hall called the special meeting of the Eden City Council to order and welcomed those in attendance. He introduced Human Resources Specialist Hartwell Wright from the North Carolina League of Municipalities (NCLM) there to discuss the recruitment and selection process for a new city manager.

PRESENTATION:

Mr. Wright said his goals were to provide a process Council could understand and one they found useful after he left.

Mayor Hall agreed and said it was the attendees' chance to provide input and get expert advice. He encouraged those in attendance to make the meeting interactive.

Mr. Wright said in North Carolina, there were a little more than 300 cities, towns and villages, as well as 100 counties, with professional managers. Currently, there were more than 40 recruitments going on in the state. It was important to remember that. He had provided a packet to the Council and would focus on the first six pages. *A copy of this packet is available to view in the City Clerk's Office.* At the top of page 2, it discussed the roles to be done in the process. The NCLM's role in recruitment was simply his presentation. Everything else was the Council's responsibility. The hiring would be a three-step process. The first step was recruitment, and he advised that they should aim to get as many applicants as possible. The second step was assessment, to determine the skills and abilities of the candidates. The third step was to hire the manager.

He suggested there were three decisions Council needed to make quickly. The first was who and how the process would be conducted. Council needed to decide whether to keep the process in-house or whether to hire a consulting firm to do any or all of the portions. The second was the confidentiality of the process. Council may or may not choose to receive citizen input about the process but should be aware that every application and resume received for the position was protected as confidential under the personnel statutes of the state. If at any time the Council wanted to disclose a candidate's name, it was the Council's responsibility to notify the candidate and give that person an opportunity to decide they did not want that to happen.

He did believe the decision Council made would be the most important one they would make as a collective body. It would affect everyone. The manager worked for Council, so it would affect them. Every City employee worked for the manager, so it would affect them. The manager was the ambassador put in front of the City, so the choice affected each citizen. He wanted to emphasize the importance of the decision because he wanted Council to concentrate and dedicate the time to make the best choice possible. He asked Mayor Hall if Council had given any thought in what they were looking for in the next manager and if they had come together collectively to discuss it and set priorities.

Mayor Hall replied they had not. A meeting had to be called for the group to meet so this was the first time they had done that.

Council Member Grogan asked how long it may take to hire a manager since there were 40 vacancies in the state.

Mr. Wright said on average it took about six months from the start of the process to hiring.

Mayor Hall asked if the NCLM had a suggestion for what worked best regarding hiring a recruiting firm versus conducting the process in-house.

Mr. Wright replied no. What worked best was up to the individual municipalities. Some of Eden's size would not dream of hiring a firm. Others of similar size had Councils who worked full time and did not have the time to dedicate to the process so they hired someone. The majority did the process themselves. Eden was right on the threshold population-wise when municipalities did hire a firm. Another point was that if the city decided to conduct the process in-house, someone internally would need to be responsible for some administrative duties and the Council would need to identify that person. He would present the rest of the meeting under the assumption the process would be done in-house. If a consultant was hired, they most likely would go over the same things he would say in the meeting.

He said Council needed to develop a profile for the manager they wanted. It usually worked well for them to come up with a list of things individually they wanted the new manager to have, such as level of experience, background in finance, education, etc. Once they had their lists, they should meet and collectively decide which were the ones they wanted to look for. Their new collective list should be on one piece of paper and it would be the profile. They needed to consider the future and what projects may be on the horizon that required special skills, what the City had done well in the past they may want to emulate, and the mistakes that had been made that they wanted to avoid. As they built the profile, they should avoid using many absolute words

like must and required. Those words eliminated large groups of people. If they said the candidate must have a master's degree and 10 years of experience, that eliminated someone who had 15 years of experience but a bachelor's degree. Preferred was an OK word.

Mr. Wright said the top of page 3 listed some things to get Council thinking about the profile. He encouraged Council to take as long as needed to find the right person. It was great to have a plan and a timeframe, but if they went through the process and did not find the right person, they should start over. The worst mistake they could make in the process would be to hire someone just to fill the void and to meet a schedule they had created. It would be more difficult to correct a bad decision once made. The NCLM did salary surveys annually broken down by population groupings only, with positions from manager down. The average salary the previous year for cities similar in population size to Eden was \$129,700. Council had access to the data if they chose to look at cities by name to see what was paid.

Mayor Hall asked if there was a way to cross reference by budget size and population.

Mr. Wright answered yes, they were two different surveys and one of those was done by the state with the Local Government Commission. They maintained that type of information when budgets were submitted.

Council Member Grogan asked the average length of time managers stayed in positions.

Mr. Wright replied when he began working in the business, the average was 10 to 15 years. Having a manager stay five to six years was excellent. The ICMA required managers to stay a minimum of two years, unless they were fired, to remain in good standing with the organization. Leaving earlier than two years was a violation of the ICMA Code of Ethics and would make it difficult for a manager going forward.

Mayor Hall asked if the six-month timeframe to hire a manager was the average or if that was what a city would have to expect after a situation like what Eden had experienced.

Mr. Wright said the manager job was a profession. The way people advanced was starting in a city with a small population then moving up to larger populations. In the last 20 years, he had noticed a trend of vacancies within two months after elections. Often the manager had done nothing wrong. There were two kinds of managers, those who had been fired and those who would be fired. He encouraged Council to focus on the positives in Eden. Keeping a manager for 18 years, as the previous manager had served, in a city the size of Eden's was unprecedented. Candidates would see that as an absolute positive that the manager had endured through 18 years of elections and was not driven away by politics. He thought Eden would draw some candidates; however, they should keep in mind they were competing with a lot of other municipalities so he could not make any promises. Currently, he had one interim manager available and he expected three calls the following week to place him.

Council Member Grogan asked how many of the 40 municipalities seeking managers were around Eden's size.

Mr. Wright could not answer that, he had just looked at the list of vacancies before he came. There were two things that would factor into candidates for Eden - the market and the requirements they determined for the next manager. Eden would be a big stepping stone from the next tier below. There were not many vacancies between Eden's size and the next tier above.

He said assuming the Council was conducting the process in-house and assuming they identified the interim manager as the gatekeeper, after they developed the profile, they needed to place the ad. The top of page 4 listed places they would want to advertise. Once they were through the top four, that was where they could stop. The last listed item was a statewide newspaper, and he could say for sure that managers did not go to the wanted ads of the News & Observer to look for a job. They looked in professional periodicals. Once ads were placed in the four, those places posted the ads online and the ads went international. He encouraged Council to run an ad in the local newspaper. Twenty years prior he would have said that was a waste but with the current transient society, it was conceivable that a retiree from another state had moved to the area, would see the ad and decide to work again. He encouraged Council to work with the local media as they went through the process and keep the media apprised of what they were doing. It would not break confidentiality to tell how many applications they received. If the community was kept aware of what Council was or was not doing, that would keep rumors down. In his experience, it was better to keep the citizens informed through the local media so they knew what Council was doing.

Council Member Burnette asked if Council should use anything other than local media.

Mr. Wright replied he would not, unless Council was contacted by them. Council could tell anyone about the process as long as they did not identify the individuals. Individual names could not be shared without written permission to do so. As resumes came in, every member of Council should get the same information at the same time. Doing that would avoid a lot of hard feelings. The interim manager would distribute the resumes at the same time, either hard copies or electronically. Individually, Council should then compare the resumes to their agreed upon profile, and divide the resumes up based on it meeting the profile or not. After that, Council should meet and compare how they had sorted the resumes. If they had followed the profile, they should be close.

He encouraged Council to conduct themselves as professionally as they could throughout the process. Some of the candidates Eden was interviewing could be doing the same at other municipalities. He had managers tell him the reason they chose one location over another was the level of professional exhibited during the process. That was important. Professionalism started day one. When a resume was received, the sender should receive a letter from the City acknowledging receipt, no matter where the resume came from. People who sent resumes that were discarded should be sent a letter letting them know they were not being pursued for the job so that they could get on with their lives. The group of candidates the Council had interest in should be sent a City application, along with three or four supplemental questions and their salary history. The salary history should line up with what was on the application. The application would also provide more information when the reference checks began. The application would require a signature that everything written on it was true – if some of the information turned out to be false, Council would know to no longer consider that person. The application would also note the person's current work situation and if they should not contact

that employer. The supplemental questions should have a limited amount of space for answers and the applicant should be given a limited amount of time to return them. If the applicant could not perform those two tasks well, it would speak volumes about how they would be if hired. If a person had subject knowledge of the questions, they should be able to succinctly answer them so that the Council could read and understand what they were talking about. They could learn more from the questions that they could from an interview. It would be a preview of their writing skills and ability to articulate accurately. Each member of Council should get the responses and make their own assessments. When they met again, their thoughts should be close although they may have to discuss some parameters. The questions should help them narrow the applicants down to a manageable number. From their agreed upon applicants, the interim manager should do employment reference checks.

Council Member Moore asked if there was any point in time the applicant needed to send in a resume.

Mr. Wright said the resume was the first thing they should get. When the ad was placed, the City would begin accepting resumes.

He said the interim manager would report back to Council what he had learned from the references. Once they received those recommendations, Council could choose what to do with the candidates. They would be at a manageable number, and may even be disappointed by the number they had but should remember, it only took one if it was the right one. They would be at the point of meeting the candidates, which could be done electronically through something like Skype. That would not be an in-depth interview but just an introduction. From that, Council would learn their speaking and articulation abilities and get to see what the person looked like. Based on that meeting, they could decide if they wanted to bring the candidate to Eden for an interview. He advised taking advantage of that introduction meeting because bringing candidates to the city could get expensive and the introduction may let them know if that would be a waste of time. Anytime candidates were eliminated, they should receive a letter along the lines of 'you are no longer being considered for the position.' Once the candidates they wanted to interview were identified, they should be sent a letter signed by the mayor along with a schedule of what to expect when they were in Eden. If the candidate would be meeting anyone other than the Council when they were in the city, they needed to be made aware of that. Council could not prevent people from sitting in the parking lot watching, but they should do everything they could to keep the visit confidential. The managers network was close. In most cases, he thought managers would let their mayor know if they were considering another job but the Council should not assume that.

City Attorney Erin Gilley asked if the interviews would be done with proper notice and in closed session meetings.

Mr. Wright said anytime Council met to consider a candidate or review resumes, it should be done in closed session. Council could decide to extend a meeting and say they were meeting again the next day to review candidates.

Mayor Hall understood about extending the meeting but wanted to verify notices would have to be done if Council was meeting otherwise.

Ms. Gilley said that was correct, even if it was just a meeting going into closed session.

Mayor Hall asked if resumes shared with Council electronically became public record.

Mr. Wright replied no. They were still protected by the personnel laws. He encouraged Council to maintain that confidentiality with due diligence. No one wanted to be singled out for leaking information.

He said with the interview letter and schedule for their time in Eden, candidates should be sent a copy of the City's charter, organizational chart, budget summary, etc. They should provide information to the candidate so when they were interviewed, they could be asked specific questions about the information sent to them. If the candidate was unable to answer, that would speak volumes. If the information was important enough for Council to send, it should be important enough for the candidate to study. The interview should be held somewhere private. It could be held at City Hall but needed to be somewhere so that the candidate did not have to parade through the building. Many people interviewed off site. He suggested that if the candidate was coming, someone should call them to find out if a spouse was coming with them. If a spouse was coming, a trusted staff member should be selected to take the spouse on a tour of the city showing things like the schools and hospital. A candidate's decision to move was a family decision.

Mr. Wright said he had included a lot of information in the packet he brought. Council should focus on the information provided that stated what they should not do, particularly in reference checks. A minimum of two hours should be allowed per interview and no more than two should be done in a day. The interview should be comfortable, confidential and conducive to a professional. The City should provide overnight accommodations if needed for the candidate and a spouse. He had provided 200 interview questions in the packet but they were irrelevant. Council should ask the questions that were important to the City. He encouraged that the questionnaire be prepared in advance and that the same person asked the same question of each candidate. The interviews should be uniform so there was a fair comparison between the candidates. After the candidate left, it was very important that immediately evaluations should be filled out by each person in the interview and they should keep that record themselves for reference.

He had been doing human resources work for 40 years and he knew the most difficult part of any job was managing people. He encouraged Council to come up scenarios of personnel issues, give the scenario to the candidate and let them explain how they would handle it and why. It would tell Council the candidate's style. That style may not be something that was conducive to the Council. The candidate fitting the Council was more important than the candidate's skillset. The candidate could be the smartest person in the state, but if their style and personality did not fit with the Council, it would not work in the long run. Council should present the candidate with enough scenarios to learn what made them tick. He advised spending more time on scenarios than questions. A candidate may have had someone else complete their resume, application and supplemental questions. Council could set up a separate room with a computer for the candidate to have limited time to type up a mock press release or what the candidate would do in the event of a catastrophe. Council would be able to learn a lot from those types of situations.

Mr. Wright said when Council had a candidate they wanted to hire, they needed a thorough and complete background investigation, including financial, driving, federal, everywhere they had lived and worked. He recommended hiring a professional firm to do the background investigation. There were many out there including one not far away that would give a discount for belonging to the NCLM. Those investigations were fast, thorough and inexpensive. The firm would get all the required releases signed and if something went wrong in terms of the investigation, it would fall back on the firm. If the background investigation went well, Council should agree that they wanted to offer the job and a certain salary. The mayor should call and offer the job at the agreed salary, and if needed make minor negotiations. At that point, the city attorney should draft the offer letter signed by the mayor.

Mayor Hall asked if the minor negotiations were something he did over the phone or brought back to Council.

Mr. Wright advised either. The Council would give him guidance. He reminded them the manager worked for the Council as a whole, not any individual members.

Mayor Hall cited an example of the candidate wanting mileage instead of a vehicle to drive. He asked if he could then do a phone poll of the Council.

Mr. Wright said yes. He said there would be minor things and it should be a collective agreement by the Council.

Mayor Hall noted that Council Member Grogan had told him ahead of time that she had somewhere else to be at 7 p.m.

Council Member Grogan left the meeting at 7:00 p.m.

Mr. Wright said the only thing that had to be done in open session in the entire process was a vote to hire the manager. Once the candidate had signed the letter of intent to come and salary had been determined, Council had to go into open session to hire the candidate. No manager would go to work without a contract. In North Carolina, a municipal manager's job was only secure until the next meeting of the board. The main provision in the contract was something called severance. If the manager was terminated for something he had no control over, they would have to be paid severance at a term of whatever was agreed on in the contract. The city attorney should draft the contract and it may serve the City better than it would the manager. He could provide samples of contracts that were beneficial to a town. Severance would be a one-way street if the individual was terminated for something that was beyond their control.

He noted if they got to the point of hiring someone and the candidate declined, the city could start all over again or go to their second choice who would not have been sent a letter yet.

Council Member Ellis asked what size severances were usually in the contract.

Mr. Wright said the average for a city the size of Eden was usually six months. He had seen towns give nine months or a year. He thought six months was reasonable.

Council Member Burnette asked if after a personal interview, there were times when candidates were called back for a second interview.

Mr. Wright said yes. It happened many times often when the process had been narrowed down to two candidates. If there was a second interview, he would be pushing more toward what the candidate's real skills were.

Shane Hensley asked if severance was still paid if the next manager caused himself to be fired for some reason and not because a change of the Council.

Mr. Wright replied it depended on the language in the contract.

Mr. Hensley said he was on the board for a group searching for an executive director and they had about 200 applicants. They got down to the last one and missed a crucial point in the interview and had to start all over again and it worked out. He told the Council not to be discouraged if that happened.

Mr. Wright agreed and said they would be a lot better to start over than to hire the wrong person.

Council Member Moore asked the average cost to hire a consulting firm to conduct the process.

Mr. Wright replied it depended on the firm. The cost was more the higher the population. It ranged from \$25,000 to \$60,000.

Council Member Epps asked if the NCLM did that type of work.

Mr. Wright said no, the NCLM consciously chose not to be in that type of business.

Tom Fulton noted there were four seats coming open in the election. He asked when the City should begin advertising.

Mr. Wright said as soon as they could come together and build a profile. He would encourage that they not put a deadline on the applications. If it was advertised as open until filled, the City could accept applications as long as they wanted.

Phil Hunnicutt asked what the typical term of a contract was or if Mr. Wright had a suggestion for a term.

Mr. Wright suggested an open contract with no timeframe, to be reviewed annually with an evaluation of the manager and a salary determined by that evaluation. It was best for the City to leave off the timeframe.

Mr. Hensley asked Mr. Wright if he thought it would best for a city the size of Eden to do the process in-house or hire a firm.

Mr. Wright said if a firm was hired, they would come in and meet with the Council similar to what they were currently doing, and they would build the profile. The firm would do the

advertising and screening. If that was what the Council asked them to do, they would narrow the candidates to a manageable number, at which time the Council would get feedback on who the candidates were. In his opinion, that could be detrimental in a smaller city. He would require the firm to let them know who all the candidates were, even the ones who were eliminated. A firm would provide the level of service agreed on at the beginning. Typically, the firm would bring the Council the finalists and coordinate the interviews, all in their fashion. Each firm had their own niche, some relied heavily on academia while others relied more on experience.

Mr. Hensley said doing it in-house put the City more in the driver's seat.

Mr. Wright said he was not trying to persuade the Council one way or the other. It was completely up to the Council to decide.

Council Member Moore said it was good to know Council's options.

Mr. Wright agreed. He would not recommend a firm but he had a list he could provide.

Mayor Hall said someone had asked him about housing allowance and he assumed it was negotiated in the contract.

Mr. Wright agreed. He asked if managers were required to live inside the city limits.

Council Member Burnette said yes.

Mr. Wright noted that some people were really good at negotiating on things that were not tax deductible which gave them higher income. He would encourage that they focus on salary, a cell phone, that sort of thing. It was the norm for the manager to be provided a moving allowance but he thought they should stay clear of a housing allowance.

Michael Hutchinson thought Council would do the right thing. As a citizen, he wanted to make sure the next manager was not given free reign to take advantage as had happened in the past.

Mr. Wright said based on the conversations he had, he did not think that would be a problem.

Bret Hart appreciated the clarity. Everything Mr. Wright said was comprehensible and detailed. He felt very informed. He was glad Mr. Wright came to speak.

Mayor Hall noted there were limited copies of the packet Mr. Wright brought but if anyone wanted a copy they should let him know.

Mr. Wright asked if the Council felt the presentation was helpful.

Several members confirmed it was.

Council Member Moore noted no one on the Council had been through the process before.

Mr. Wright was confident Council could do the process with the guidance of the interim manager. They could also do it with a consulting firm. He believed Eden would have candidates they would be interested in. The place he had to visit next had probably had five managers in seven years. The only candidates they could get at that point were from distant states. Everything would be alright, Eden would land on its feet. They should focus on the future, put their hands on the plow and not look back.

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, October 15, 2019 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:	Bernie Moore
	Jim Burnette
	Angela Hampton
	Darryl Carter
	Jerry Ellis
	Jerry Epps
	Sylvia Grogan
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 regular meeting of the Eden City Council to order and welcomed those in attendance. He explained that the Council met the third Tuesday of each month at 6 p.m. and worked from a prepared agenda; however, time would be set aside for business not on the printed agenda.

INVOCATION:

Pastor Les Herod with the Church of God of Prophecy gave the invocation followed by the Pledge of Allegiance led by Fire Chief Tommy Underwood.

IN REMEMBRANCE OF FORMER COUNCIL MEMBER CHRISTINE MYOTT:

Mayor Hall said a few words about former City Council Member Christine Myott who passed away October 4. Ms. Myott served on Council for 16 years, two of those years as Mayor Pro Tem, before retiring in 2009. She was a thoughtful and dedicated member who always considered what was best for Eden citizens when she made her decisions. Ms. Myott was a wife, mother and grandmother, but also an avid reader and freelance writer who wrote for many publications. She published a book of poetry and a journal of her life for her children in her retirement years. In 1996, she received the Award of Excellence from Governor Jim Hunt for serving on the board of Help, Inc. Chris also served as a teacher at Leaksville United Methodist Church. She and her husband Jerry were longtime supporters of the Eden Salvation Army. On behalf of the Eden City Council, he extended sincere sympathy to the Myott family as they coped with the tremendous loss.

PRESENTATIONS & PROCLAMATIONS:

a. Presentation: Citizens Academy Graduation

Mayor Hall asked the graduates to come forward. He said the Citizens Academy began in 2011 with the aim to provide residents with an in-depth look into municipal government and find out information about the services and programs Eden offered. There were currently nine graduates who attended nine weeks of classes. He presented each graduate in attendance - Scottie Eanes, Karla McDonald, Fran Peters, Joseph Smith, Earnest Valentine, Jaclyn Valentine and Dale Warren - with a certificate and the book *Celebrating 50 Years Consolidation: 1967 - 2017*. A reception would be held after the meeting and everyone was welcome to stay to enjoy refreshments. Each year, attendees voted on their favorite department and favorite instructor. He called Parks and Recreation Director Johnny Farmer forward to receive the award for favorite department and Police Chief Greg Light forward to receive the award for favorite instructor. (*Graduates Phil Hunnicutt and Mike Moore were unable to attend.*)

SET MEETING AGENDA:

Mayor Hall noted one agenda change - Item 13 should be Announcements and 14 should be Adjournment.

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

PUBLIC HEARINGS:

a. (1) Consideration of a zoning map amendment request to rezone 4.02 acres on the south side of west Kings Highway (PIN 7979-07-77-0941) from Office & Institutional to Business-General.

(2) Consideration of a Resolution adopting a statement of consistency regarding the proposed map amendment request to rezone 4.02 acres on the south side of west Kings Highway (PIN 7979-07-77-0941) from Office & Institutional to Business-General.

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

Ms. Stultz said the request was to rezone approximately 4.02 acres from Office and Institutional to Business-General. The property was on Business Park Drive and Kings Highway and currently vacant. It was zoned R-20 at the time of the original zoning and rezoned to O&I on June 21, 1971. The property was bordered on the north by west Kings Highway, the east by O&I property that contained an office complex, the south by R-20 that contained a cemetery, and on the west by vacant B-G property and vacant R-20 property. The O&I district was established primarily for office and institutional uses which had only limited contact with the general public and had no offensive noises, odors, smoke, fumes and other objectionable conditions. Residences were permitted in the district. The Business-General district was generally located on the fringe of Central Business districts, which this property was, and along major radial highways leading

out of the City. The principle use of land was for dispensing retail goods and services to the community and to provide space for wholesaling and warehousing activities. The western edge of the property fell partially in a flood zone; therefore, the development envelope for it was not quite as large. There had been no recent development pressure in the area, either on the residential or commercial properties. Because of the other commercial properties and office uses in the area, and because of the access to Kings Highway, staff was of the opinion that Business-General would be an appropriate zoning for the property which could encourage commercial uses in the area. Staff did not believe that Business-General zoning would be detrimental to the adjoining and surrounding properties. Based upon the character of the area and the office and commercial uses in the area, staff recommended in favor of the request, as did the Planning Board.

Mayor Hall asked if anyone would like to speak in favor or opposition.

Council Member Burnette said Ms. Stultz mentioned that part of the property was in the flood zone. That part would not have anything built on it. He asked if the access to the property would have to go through the DOT.

Ms. Stultz replied if there were an access directly off Kings Highway, yes. It would go to DOT and come back for her signature.

Mayor Hall replied the property fronted Business Park Drive.

Council Member Burnette said he asked in case the property need additional access.

Ms. Stultz said the property was not in the floodway but was in the flood zone. It could be developed but it was highly unlikely because of the expense.

Council Member Burnette said they could possibly develop it but would have to make some environmental changes.

Ms. Stultz agreed.

With no further discussion, Mayor Hall declared the public hearing closed.

A motion was made by Council Member Carter to approve a zoning map amendment request to rezone 4.02 on the south side of West Kings Highway from Office & Institutional to Business-General and to adopt a resolution of a statement of consistency regarding the proposed map amendment. Council Member Hampton seconded the motion. All members voted in favor of the motion. The motion carried.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF EDEN

BE IT ORDAINED BY THE CITY COUNCIL of the City of Eden, North Carolina, that, after having fully complied with all legal requirements, including publication of notice of a public hearing and the holding of a public hearing relative thereto, the Zoning Ordinance of the City of Eden is hereby amended as follows:

Section 1 - Change from Office & Institutional to Business-General the following tract:

Minutes of the regular October 15, 2019 meeting of the City Council, City of Eden:

Being all of Lot 4 containing 4.02 acres as shown a Plat of Survey for Kings Highway Business Park by William S. May, Jr., R.L.S. dated April 11, 1988, the same being filed in Map Book 27 at page 27 in the Office of the Register of Deeds for Rockingham County, North Carolina, said plat being incorporated herein by reference.

The above property identified by the Rockingham County Tax Dept. as PIN 7979-07-77- 0941 and Parcel Number 180217:

Section 2 - The Official Zoning Map of the City of Eden is hereby amended to conform with this Ordinance.

APPROVED, ADOPTED AND EFFECTIVE, this 15th day of October, 2019.

CITY OF EDEN

Neville Hall, Mayor

Attest: Deanna Hunt, City Clerk

A RESOLUTION ADOPTING A STATEMENT OF CONSISTENCY REGARDING
A PROPOSED AMENDMENT TO THE CITY OF EDEN ZONING ORDINANCE
CASE NUMBER Z-19-13 MAP AMENDMENT

WHEREAS, pursuant to North Carolina General Statutes Chapter 160A-383, prior to adoption or rejection of any zoning amendment, the Eden City Council is required to adopt a statement as to whether the amendment is consistent with the Land Development Plan and why the City Council considers the action taken to be reasonable and in the public interest;

WHEREAS, on August 21, 2007, the Eden City Council adopted the Land Development Plan. Plans such as the City of Eden Land Development Plan are not designed to be static but are meant to reflect the City of Eden's needs, plans for future development and to remain in compliance with North Carolina State Law and the City of Eden's ordinances;

WHEREAS, the City of Eden Planning Board received a request to rezone 4.02 acres on the south side of West Kings Highway (PIN 7979-07-77-0941) from Office & Institutional to Business-General

WHEREAS, On September 24, 2019, the City of Eden Planning Board voted to recommend to the Eden City Council that the rezoning request be approved.

STATEMENT OF NEED:

The subject property was zoned R-20 at the time of original zoning and rezoned to O & I on June 21, 1971. The parcel has remained undeveloped since that time. The 8-G districts are generally located on the fringe of the central business district and along major radial highways leading out of the City. The principal use of land is for dispensing retail goods and services to the community and to provide space for wholesaling and warehousing activities. The Land Development Plan indicates that the highest and best use of this property is Employment Center. That is why the zoning change to Business- General is in keeping with the plan.

STATEMENT OF CONSISTENCY:

The goals of the 2007 City of Eden Land Development Plan, as amended, are to make smart growth decisions by carefully managing growth to:

- A. Strategically locate new land development in the most appropriate places.
- B. Maintain and enhance Eden's community character and heritage.
- C. Use infrastructure investments as effectively as possible.
- D. Attract new jobs and a more diverse tax base.
- E. Protect natural, cultural and historic resources and open space as we grow.

WHEREAS, The Eden City Council has considered the written recommendation of the City of Eden Planning Board and has held a public hearing on the proposed amendment, and the Council desires to adopt a statement describing why the adoption of the proposed amendment is consistent with the City of Eden Land Development Plan, as amended, and why the City Council considers the proposed amendment to be reasonable and in the public interest;

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

1. The Eden City Council finds that the proposed amendment to the City of Eden Zoning Ordinance is consistent with the goals and recommendations of the 2007 City of Eden Land Development Plan, as amended.
2. At no time are land use regulations or plans of the City of Eden or any jurisdiction in the State of North Carolina permitted to be in violation of the North Carolina General Statutes.
3. Therefore, based upon the foregoing information, the amendment to the Zoning Ordinance is reasonable and in the public's best interest.

Approved and adopted and effective this 15th day of October, 2019.

CITY OF EDEN

Neville Hall, Mayor

Attest: Deanna Hunt, City Clerk

REQUESTS AND PETITIONS OF CITIZENS:

Mayor Hall asked City Attorney Erin Gilley to read the City's policy for speakers.

Wally White, 314 Von Ruck Road, said he was had a complaint about recycling. On Friday, he tried to drop off paint cans at the Mebane Bridge Recycling Center. He was told by the attendant that unless he put a sticker on his car, littering his car, he could not leave the paint. It did not matter that he was a taxpaying citizen of the City, had his identification and could show where he lived, the only thing that mattered to the attendant was that Mr. White allow him to put a sticker on the car. He did not have any bumper stickers on his car and did not want any bumper stickers on his car, especially not a trash sticker. And that was what it was, a sticker to be able to trash stuff. Plenty of other citizens were shut down from using the only way to recycle in the City. He asked what was done for elderly citizens who no longer drove but had someone to recycle their things or a low-income person who did not own a car but wanted to try and do the right thing by recycling. The City was down to this one site to recycle. He was a taxpayer whose taxes paid for the site yet he was denied use of the service because of a sticker. He was fully prepared to show his ID. It was unacceptable that he could not use the site despite him showing proof that he was a resident.

UNFINISHED BUSINESS:

- a. Consideration of a request to adopt an ordinance for the demolition of a structure at 216 The Boulevard under the City of Eden Non-Residential Building Maintenance Ordinance.

Mayor Hall called on Ms. Stultz.

Ms. Stultz said the building was a historic structure in one of the traditional downtowns. She went there to the movies as a child and realized the importance of the building. Since 2004, the City had dealt with owners trying to get the building demolished or repaired. The current owner bought the property in 2015. In November of 2017, her department asked for authorization to demolish the subject property. The Council tabled the decision until the January 2018 meeting. The majority of the structure had been demolished and removed from the property prior to the January 2018 meeting so the item was removed from the agenda. There had been nothing done to

the building since that time other than painting and some refurbishing of the front. The City continued to get complaints about the building. The photos showed that very little had been done between July 9, 2019 and October 4, 2019. The lowest previous bid in 2017 and confirmed in August 2018 was received from J.W. Saunders Construction, Inc. in the amount of \$18,339. Staff believed that the cost to demolish and remove the remainder of the building would be less than that amount due to the work of the current owner. They did not bid it out again because they were beginning to have problems getting contractors to give a bid on something only to have to bid it again and again. Staff recommended that Council allow her department to bid the project out.

Council Member Hampton asked if the project would be bid out again.

Ms. Stultz replied they could accept the bid if it was honored by the company or go out for bids again. If there was an order saying the City was actually going to demolish it, they should be able to get a response. Some of the buildings had been bid so many times, the companies did not want to bid again.

Ms. Gilley said they would need a motion if Council desired to demolish the building. The staff's recommendation was to have Council to award the bid to J.W. Saunders.

Ms. Stultz replied J.W. Saunders was the most recent low bidder.

Mayor Hall said that bid would have to change since it had been two years and right much work had been completed. He said Council should know what they were agreeing to pay.

Council Member Carter said the price should come in less.

Ms. Stultz replied they assumed it would be less than the amount previously bid because more of the building had been taken down.

Council Member Epps asked what the lowest bid was.

Ms. Stultz replied as Mayor Hall had said it was a little old but it was \$18,339. There had been several circumstances recently where the City collected bids several times and now contractors were not submitting bids. She decided to get an order first for this building. They could then award the job to Mr. Saunders as long as it was no more than \$18,339 or put it out to bid as long as it was no more than \$18,339.

Council Member Grogan said the front of the building did not look as bad as the inside of it. With Ms. Stultz getting many complaints about the building, she questioned what the biggest danger of the building was.

Ms. Stultz replied the back of the building was wide open. The front looked a lot better and it may look better than the photo made on October 4, since the owner had continued to work on it. However, the windows were still boarded up and there was more work to be done. Preferably, if they could preserve the façade and have it look like it used to with the marquee back and the theater in place that would be an item on her personal bucket list.

Council Member Burnette asked what the demolition criteria would be. He asked if the roof and façade would come down, leaving the two walls.

Ms. Stultz replied yes.

Council Member Carter asked if there were any structural concerns to the other two buildings.

Ms. Stultz replied none they were aware of at the time.

Council Member Hampton asked if it would be less confusing to other demolition companies if the job went back out for bids.

Ms. Stultz replied she would handle it how Council wanted it done.

Council Member Epps said he understood that Ms. Stultz said the current owner had worked on the façade some in recent days.

Ms. Stultz replied they had done some painting and minor repairs.

Council Member Burnette asked what the owner said about further work.

Ms. Stultz replied the owner was there and Council may want to ask him about plans.

Mayor Hall asked owner Michael “Blue” Hall if he wanted to speak.

Mr. Hall said he got a letter from the City saying there had been no progress made on the building. He had hauled off about 60 or 70 dump truck loads of rubbish from the property. He had worked on the property on his time off, between jobs and on the weekends. He was trying to do the right thing. He had photos showing that he had been working on the building (*attached in the official minute book*). He had spent over \$2,000 the last month. He did not get any grants. He felt he needed a little more time.

Mayor Hall replied it was always his preference for the property owner to take care of their own problems. He said he had talked to the property owner and had been in the building. Mayor Hall realized a lot of progress had been made and there was a lot left to be completed.

Mr. Hall said there had been 30 years of the previous owner not taking care of the property. The City had the so-called code enforcement who had let it get to that state and had done nothing. When he bought the building, he could not see the front of the property from the back entry. When he opened the door up, the stuff literally fell on top of him. He inherited the problem and the City should thank him for buying it. He bought it because his father owned an adjoining building. His father had complained numerous times to the City about the mess but there was never anything done about it.

Council Member Epps asked Mr. Hall what his intentions were on using the building.

Mr. Hall replied he was open for suggestions and that maybe the City could give him some ideas. The property across the street from his was demolished by the City. It was now a jagged piece of concrete with a chain link fence across the back of it. He said the whole back of his building was open because he had been going inside it with a skid steer and a dump truck. It would remain open until he could get it completed. There was also a property on Washington Street with the back out of the building and one with the front open. Mr. Hall had photos of the cleanup of the property that Council reviewed.

Council Member Epps asked Mr. Hall if he could put a barrier across the back of the building so no one could get in.

Mr. Hall replied he could.

Council Member Carter asked Mr. Hall what his intent was. The biggest concern was the reminder of the roof structure still there.

Mr. Hall replied he could not get the roof structure done until he could clear out the bottom of the building. He said stuff had been packed inside but he was closer to having it emptied.

Council Member Hampton asked Mr. Hall if he was just asking for more time.

He replied yes, he was going to fix the building. He said he could have a nice piece of property there if they let him.

Council Member Grogan asked what Mr. Hall's vision was for the building.

Mr. Hall replied he was not sure but he did not see a reason to tear it down and put up chain link fence.

Council Member Ellis asked if Mr. Hall had considered a gym in the building.

Mr. Hall replied there had been talk about putting some art-type stuff on The Boulevard so he questioned why the City would want to tear down a theater that had been there 75 or 80 years.

Council Member Ellis said that was probably not logical to do with the interior of the building.

Mr. Hall replied probably but maybe they could fix an amphitheater there. He did not know what could happen in the years to come. He would hate to see it all just thrown in the landfill.

Council Member Moore asked Mr. Hall how long it would take him to get it all cleaned up.

Mr. Hall replied maybe by the first of the year or possibly 60 days. He would work on it.

Council Member Burnette said last month they had given a citizen an additional two months to get everything cleaned up. He felt that might be appropriate this time as well to be fair.

Council Member Ellis said he agreed.

A motion was made by Council Member Ellis to give Mr. Hall an extension until the January 2020 meeting. Council Member Hampton seconded the motion. All members voted in favor of the motion. The motion carried.

Ms. Gilley asked if they wanted the motion to bring the item back on the agenda in January meeting to enact the ordinance if it was not done.

Council Member Burnette replied no, what they did with the previous one was require the owner to have it done by the agreed upon date or Council would start the action.

Ms. Stultz said issues with the property had been going on since 2004.

Mayor Hall said there was more progress made in the last six months than the previous 20 years.

Ms. Stultz replied yes, there had been more progress made but it had still been going on for a long time.

Mayor Hall said he understood but Mr. Hall had been trying to fix it.

Ms. Stultz said before they moved on she would like to say that property owners like Mr. Hall often said things like he just said, saying the City had a so-called code enforcement program. It was never a happy experience for anyone to get a letter from them; however, the Eden City Council had told her department that code enforcement was a priority. Code enforcement was a

priority to the Strategic Plan and had been made a priority to her department by the previous two city managers. She hated to find herself at that spot with people and their buildings because there were often many circumstances involved. That was not the first time Mr. Hall had been given 60 days to get it done. She sincerely hoped this time he would make it safe, could keep the façade, and hopefully something would go in the space. She had dealt with the previous owner of the property in 2004. There was not one thing that Council or she could do about what the previous Council refused to spend and that was where they had been until now.

Council Member Epps said he thought Ms. Stultz had done a great job.

b. Consideration and discussion of the process to hire the next city manager.

Mayor Hall called on Interim City Manager Terry Shelton.

Mr. Shelton said last Tuesday night, Council heard from Hartwell Wright, a Human Resource Specialist with the North Carolina League of Municipalities. Mr. Wright had talked through the process of what Council needed to do to hire the next city manager. Two things needed to be decided early on in the process. He was giving his recommendation to proceed. First, they needed to decide if they wanted to handle the process in-house or whether they chose to hire a private recruiting firm. He felt comfortable the staff could provide the support Council needed to do it in-house, if they chose to do it that way. The second item that needed to be done was to develop a profile of what they wanted in a new manager. It was his opinion that once they got the profile developed, they would have 25 to 30 percent of the work completed. They would have to develop the profile if they hired a private recruiting firm or did it in-house. Mr. Wright mentioned the cost of hiring a recruiting company could be \$25,000 to \$60,000 depending on the degree of assistance provided. He thought the City Council could do the job entirely on their own with the help of staff. There would be a significant amount of their time involved in developing the profile. As Mr. Wright had suggested, he would get a survey form out to Council and they had the instruction packet that Mr. Wright had given them. Council would develop four to five traits they would like to see in a new manager. When they returned those traits to Mr. Shelton, he would consolidate them and they would have another meeting to discuss the traits as a group. They would pick the ones they felt were most important. Once they had a profile developed, they would be ready to place an advertisement for candidates to apply. He reminded them that Mr. Wright said above all, they needed to make sure this was done right because it was probably the most important action the Council would make. The decision on a new manager would shape and effect things to come five, 10 or 20 years down the road. Mr. Shelton would dedicate himself and the resources of the staff to help Council find the right person for the job. He recommended Council vote to do the recruiting job in-house and authorize him to begin the process of getting a profile survey out to them.

Mayor Hall said he learned a lot about the process in the meeting with Mr. Wright. It would most likely take about six months and would require a lot of time and effort. He agreed with Mr. Shelton because if Council did it themselves, not only would it save money for the City but

Council would make a better choice since they were vested in the community. A firm could just try to get someone hired.

A motion was made by Council Member Epps to accept the proposed plan to complete the process to hire the next city manager in-house. Council Member Burnette seconded the motion. Council Member Burnette said having been involved with the process of hiring other directors of non-profits and CEOs of the hospital, it was a very time consuming process. He did not feel they should put that decision with anyone else because of the relationship Council needed to build with the next city manager. All members voted in favor of the motion. The motion carried.

NEW BUSINESS:

- a. Consideration of a request to adopt an Ordinance for the demolition of a structure at 515 Flynn Street under the City of Eden Human Habitation Ordinance.

Five bids were submitted to the department as follows:

Kenny Frith	\$ 4,450
Brad Fisher Hauling	\$ 5,500
Rabco, Inc.	\$ 6,240
Loye Grading	\$ 6,250
Sam W. Smith Inc.	\$10,000

Mayor Hall called on Ms. Stultz.

Ms. Stultz said the property was owned by Joe Porter and had no water, sewer or electricity. She presented photos of the house. There was a woman living in the house with several animals for some time without any utilities. She refused to leave the property. Mr. Porter was not very anxious for the woman to leave the house. Ms. Stultz has had a parade of tearful neighbors in her department because of the disturbance to their neighborhood. From the photos, they could see the amount of trash, holes in the side of the house, and broken windows. She had two files, one was a nuisance file and the other was for housing code action, on the property that she had dealt with over the years. The property needed to be demolished because of the issues it caused the residents around it and no effort from the owner to do anything to abate the violations. Her recommendation was to choose Kenny Frith as the low bidder to take down the structure and clean the lot.

Council Member Moore asked for the amount of the bid.

Ms. Stultz replied \$4,450 and the high bid was \$10,000.

A motion was made by Council Member Epps to adopt an ordinance for the demolition of a structure at 515 Flynn Street under the City of Eden Human Habitation Ordinance. Council Member Grogan seconded the motion. All members voted in favor of the motion. The motion carried.

Council Member Carter verified the money to tear the structure down was in the budget.

Minutes of the regular October 15, 2019 meeting of the City Council, City of Eden:

Ms. Stultz replied yes, it was in her budget.

Council Member Burnette verified the owner was making no effort to make any improvements.

Ms. Stultz replied no effort.

Mayor Hall said he had received some tearful cries about the property himself.

Ms. Stultz said it had just gone on long enough.

AN ORDINANCE AND ORDER FOR THE DEMOLITION OF PROPERTY
AT 515 FLYNN STREET, EDEN, NORTH CAROLINA

THIS ORDINANCE is issued pursuant to the provisions of North Carolina General Statutes §160A443 and Chapter 4, Article IV of the Eden City Code.

WHEREAS, on the 18th day of August, 2016, the Director of the Planning and Inspections Department examined the structure owned by Joseph E. Porter at 515 Flynn Street, Eden, North Carolina and found it to be unfit for human habitation, that said property is more particularly described as follows:

Tract 1: Being all of Tract 4 as described in Deed Book 823, page 51 Save and Except that 0.38-acre parcel sold by Deed recorded in Deed Book 919, page 1565. Tract 2: Being all of the 27,201.7 square foot lot as shown on the plat of survey for Joseph E. Porter, dated March 22, 2013, prepared by C. E. Robertson & Associates, P.C. PLS, said plat being recorded in Map Book 71, page 65, Rockingham County Registry. Being a portion of the property as described in Deed Book 823, page 51. Reference: Book 1457, page 443.

The above described properties being more commonly known as 515 Flynn Street, Eden, North Carolina, and being further identified by the Rockingham County Tax Dept. as PIN 7070-11-66-8755-00 and Parcel Number 177243.

WHEREAS, on the 23rd day of August, 2016, the Director caused to be issued a Complaint and Notice of Hearing for the 20th day of September, 2016, which was served on the property owner by certified mail, return receipt requested on the 25th day of August, 2016, by first class mail and by posting on the subject property on the 29th day of August, 2016; 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 26th day of September, 2016; and

WHEREAS, the property owner, Joseph E. Porter, talked to the Inspector by telephone in lieu of attending the hearing held on the 20th day of September, 2016, and the Director issued an Order to repair, alter, improve or vacate and close the property; and

WHEREAS, the Order further ordered “. . . that the failure to make timely repairs as directed in this Order shall make the dwelling subject to the issuance of an unfit order under N.C.G.S 160A-443(4) and the City may find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling pursuant to N.C.G.S. 160A-443(5a).”

WHEREAS, a copy of the Order was served on the property owner by certified mail, return receipt requested on the 27th day of September, 2016, by first class mail and by posting on the subject property on the 20th day of September, 2016; 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 he 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 property owner has not made the necessary repairs within a timely manner and the City finds that the property owner has abandoned the intent and purpose to repair, alter or improve the dwelling pursuant to N.C.G.S. 160A443(5a).

IT IS FURTHER ORDERED 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 Joseph E. Porter 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 15th day of October, 2019.

CITY OF EDEN

Neville Hall, Mayor

Attest: Deanna Hunt, City Clerk

- b. Consideration to approve land donation and authorization to proceed with the legal transfer.

Mayor Hall called on Mr. Farmer and Ms. Gilley.

Mr. Farmer said Ms. Cindy Yarberry, daughter of the late Howard W. Mizell Jr., contacted him about donating a piece of property off of Kings Highway to the City. The land ran adjacent to the Smith River Greenway. It was about an acre of land and he felt like it would be a great addition to the greenway system. He met with the family at the site and told them he would get with the city attorney and city manager to see what they thought. The family did not want the land used for any type of commercial development or any of the large trees cut down. The tax value of the land was about \$51,000. It was a nice piece of property that could be used for additional amenities including picnic tables or additional walking path loops. The Parks and Recreation Comprehensive Plan completed over two years ago suggested one of the things the City needed to continue to do was to get property for the greenway system. The property would not cost the City anything. In speaking with the family, they may provide some funding towards the City's plan for the property. He asked Council for approval to work with the family to have the property legally transferred to the City.

Ms. Gilley said she wanted to add that in doing so there would probably be a restriction on the property that would say it was only to be used for recreational purposes not commercial uses. Usually there was a time limit on the restrictions like 99 years, and that was the way they would do the property.

Council Member Burnette said the family had designated they did not want any large trees taken down. He asked if they would have input in how the City used the property.

Mr. Farmer replied the family said they did not want the property to be clear cut of trees. Currently there was no way into the property on the Kings Highway side, if the City wanted to

create a small parking lot for three or four cars and have a way for people to enter the area the family would not have a problem with that. They wanted to keep the property close to its natural state.

Ms. Gilley said the restrictions would be in the deed.

Council Member Grogan said she was impressed with the property and it was a generous gift. With the land backing up to the greenway, it fit right into what they were trying to do with the trails.

Mr. Farmer said there was a little creek running along the property so it would be hard to develop it into any type of commercial property. He felt they could keep it close to the natural state and make it a good piece of property for the greenway extension.

A motion was made by Council Member Ellis to approve the land donation and authorization to proceed with the legal transfer. Council Member Grogan seconded the motion. All members voted in favor of the motion. The motion carried.

REPORTS FROM STAFF:

a. City Manager's Report.

Interim City Manager Terry Shelton said each Council Member had received a copy of the report. It was available online and in Eden's Own Journal. It was full of information that pertained to the City and he encouraged everyone to pick up a copy.

City Manager's Report – October 2019

Economic & Tourism Development

NCDOT

On Wednesday, October 2nd, representatives from the City of Eden Economic Development Department, Danville, VA Economic Development, Pittsylvania County, VA Economic Development and the Southern Virginia Regional Alliance met with NCDOT Division 7 Engineer Mike Mills to discuss the continuation of I-785 to the Virginia state line. This is a vital component to the Southern Virginia Mega Site at Berry Hill development.

Division 7 staff is trying to get the final leg of I-785 included in the Hicone Road to exit #153 funding so the entire section is completed. We will work with them to accomplish this through meetings with both state and federal officials.

Economic Development Announcement

An announcement will be made the week of October 14th.

Planet Fitness

This company has extended its \$1 down and \$10 a month on-line sale until October 28, 2019. Go to www.planetfitness.com to sign up.

UNC Rockingham Health Care

Now Offering 3D Mammograms at the Wright Imaging Center, a Service of UNC Rockingham Hospital. Breast imaging services at UNC Rockingham Health Care now include 3D mammograms, a screening that delivers a more in depth look at breast tissue. The more detailed 3D image reduces the likelihood of additional screenings or follow-up visits. It also enables physicians to find cancers at an earlier stage. For those who have dense breast tissue, a 3D mammogram offers a clearer image. Screening mammograms are recommended for women beginning at age 40, unless otherwise advised by your physician. During October, which is Breast Cancer Awareness Month, hours will be extended to 7 p.m. every Monday. Patients getting a mammogram during Breast Cancer Awareness Month will receive a free gift. To make an appointment, call Central Scheduling at 336-627-6183. UNC Rockingham Wright Imaging Center, A Service of UNC Rockingham Hospital is at 618 South Pierce Street, Eden. 3D Mammography at UNC Rockingham is accredited by the American College of Radiology.

UNC Cardiology at Eden—Now Open!

This practice opened on Wednesday, Aug. 14 at 518 S. Van Buren, Suite 3. Cardiologists Dr. Thomas Wall and Dr. Fernando Ortiz see patients in the office and provide hospital consults at UNC Rockingham Health Care on Mondays, Wednesday and Fridays from 8 a.m. to 5 p.m. “We’re excited to bring this specialty to the UNC Rockingham campus,” said Dana M. Weston, president and CEO of the Eden hospital. “Through our affiliation with the UNC Health Care system, our community and our patients now have access to the expertise, research, technologies and clinical trials that are available at UNC Medical Center.” UNC Cardiology at Eden will see patients for the prevention, screening and treatment of heart disease. For more information, or to schedule an appointment, please call (336) 864-3130.

Duke Energy Foundation Grant Received

The City received a \$9,454 grant from the Duke Energy Foundation for an otter habitat along the Smith River with the generous assistance of the Dan River Basin Association Executive Director Tiffany Haworth. This will be the only habitat of its kind in the U.S. The City of Eden has received more than \$300,000 in grants from Duke Energy for environmental, trail development and waterway projects since 2016.

Young Eden Professionals

Like most rural areas of the U.S., many young people from Eden have left for an education or to work and have never returned. In fact, a recent study showed Rockingham County was among the top NC Counties in population loss among young people. It is encouraging to see younger people returning to continue their lives in their hometown, especially when they are professionals interested in becoming the next generation of community leaders. What is interesting about each of them is how they left home for larger communities, but appreciated the benefits of small town living. Those profiled already are all professionals—three in the medical community and one a partner in an accounting firm. Watch for their profiles in Eden’s Own Journal and other publications.

Washington Street

Construction continues at 618 Washington Street with the public pedestrian pass through to the rear of the facility. The building will become apartments, a coffee shop and restaurant.

Available Property Listing

The city of Eden maintains an available commercial downtown property listing on the official city website. It can be found under the Economic Development tab, then Start a Business, with current ESRI data that is helpful to determine current businesses needed in Eden.

Leaksville MSD

The Leaksville Municipal Service District continued to support Riverfest again this year with a donation of \$1,500. This MSD has supported the Eden signature event that brings thousands of people to the downtown area.

Homecoming Parade

Morehead High School held their annual homecoming parade October 4th on Washington Street. The Street was lined with supporters cheering on the football team, cheerleaders and the Morehead High School marching band. Businesses were encouraged to decorate their storefronts for the occasion.

Eden Downtown Development Inc.

The Design sub-committee project of custom painting downtown fire hydrants has been a success and will continue for the foreseeable future. Nineteen hydrants were completed in time for Riverfest. FOX 8 featured the hydrants in their Friday night broadcast including hydrants from Leaksville, Draper and the Boulevard. Another was finished depicting a rainbow trout design at the Spray traffic circle. Morehead High School students plan to complete one at Panther Lane. If you would like to participate contact Randy Hunt at rhunt@edennc.us.

Draper MSD

The Draper Municipal Service District members met Thursday, October 3rd. They voted to purchase additional spools of bulb wiring and cases of LED bulbs to replace the aging electrical components on the angel lights that are hung from poles downtown at Christmas time. Two metal benches were placed on Fieldcrest Road to service the bus stops. They are also researching the possibility a bus stop shelter.

Draper Merchants Association

The Merchants Association are designing a T-shirt depicting Draper memories to be sold as a fundraiser for upcoming outdoor events, such as the Draper Christmas tree lighting December 3rd. The Friends of Draper are planning a Trunk or Treat event for Halloween. Draper hosts a large Veterans Day event also.

Cars and Coffee

Our last 2019 Cars and Coffee will be held at the Family Video parking lot the last Saturday morning of October from 8:00-10:00. Stop by to enjoy the comradery and see some beautiful and unique vehicles.

Get Fit Rockingham

Get fit Rockingham, a program designed for residents of Rockingham County to develop healthy habits wrapped up the 2019 season. A raffle was held at Riverfest for Eden participants. John Carter of Eden won the grand prize, a new Apple I watch. The program will continue county wide in the spring of 2020.

Eden Downtown Development Inc.

EDDI Members involved with an entrepreneurship education program met with representatives of Rockingham Community College and then members of the Rockingham County School system. Fostering an entrepreneurship mindset for a younger generation to create economic opportunity was a focus; jobs and future workforce is difficult to predict as the world is changing more and more quickly.

There will be a mural unveiling at Henry Street Friday, November 1st.

Boulevard Merchants

The merchants held Rocktoberfest, Saturday, October 5th, featuring live bands, food trucks and vendors. Monies raised will be used for façade grants for buildings on the Boulevard. The merchants will be hosting a Boo-la-Vard! Halloween parade featuring trick or treating, face painting and a costume contest.

RIVERFEST

We would like to thank everyone who was a sponsor, vendor, exhibitor, volunteer or attendee at RiverFest 2019. We had great weather that made for a very successful weekend here in beautiful Eden, North Carolina. See you next year!!

2019 RIVERFEST Sponsors

- MillerCoors
- City of Eden
- Eden Tourism Development
- Rockingham County Economic Development & Tourism
- HomeTrust Bank
- Historic Leaskville MSD Board
- UNC Rockingham Health Care
- News & Record
- Rockingham Now
- Gildan Activewear
- Eden Drug
- Fair Funeral Home
- Duke Energy
- Tri-City Automotive Group
- Mike Moore Media

ExploreEdenNC.com

Stay tuned for a new and improved tourism website. Coming to a screen near you!!

Halloween Events in Our Downtowns

- Treat Street along Washington Street – Friday, October 25 – 3:00 to 5:30 – Costume contest at 6:00
- Friends of Draper Trunk or Treat along Fieldcrest Road – Saturday, October 26 – 3:00 to 7:00

- Halloween on the Boo-Levard – Treats, music, costume parade and contest and more - Thursday, October 31 – 4:00 to 6:00

Newsletter

You can get information about upcoming local events by email through our monthly Explore Downtown newsletter. If you want to subscribe, please send your email address to godowntown@edennc.us

Engineering

NCDOT Resurfacing Schedule

APAC Atlantic, Inc. has completed all of the state resurfacing and all of the pavement markings have been installed for 2019.

2019-20 Street Resurfacing Contract

Sections of Price Street, Cedar Street, Anderson Street and Church Street are scheduled to be resurfaced this month. The other 11 streets on this paving schedule will be resurfaced in the spring of 2020.

Delta Contracting, Inc. completed the asphalt milling on Anderson Street, Cedar Street and Church Street on October 9, 2019.

Boone Masonry is currently working on the manhole and water valve adjustments on sections of Price Street, Anderson Street, Cedar Street and Church Street. The adjustments are scheduled to be completed by Friday, October 11, 2019.

APAC Atlantic has their paving crew scheduled to start resurfacing on Monday, October 14, 2019. The substantial completion date for this project is May 29, 2020.

Information Technology

Cybersecurity Month

October is national Cybersecurity Month! I know, I know, there's a month for everything under the sun now, but that doesn't make cybersecurity any less important.

Shannon Morse, a technology and cybersecurity commentator, has published a 30 day challenge for Cybersecurity Month. She guides you through various tasks to improve your personal cybersecurity with a different activity each day. She provides video as well as written instructions and links to various online resources. You can find the 30 day challenge here:

<https://snubsie.com/30-day-security-challenge>

The most important thing you can do to improve your cybersecurity is to Stop! Look! And Think! before clicking that Link!

Parks & Recreation

Freedom Park

Holmes Middle School continues its Girls Softball Program at Freedom Park through October 2019.

Minutes of the regular October 15, 2019 meeting of the City Council, City of Eden:

The City of Eden Prowlers Football Program will play at Morehead High School on October 19, 2019

There is a Concert in the Park/ Cruise In/ Fall Festival at Freedom Park on October 26, 2019.

There is a NSA Tournament scheduled at Freedom Park on October 19 - 20, 2019, a Top Gun Tournament on October 26 - 27, 2019, a NSA Tournament November 2 - 3 , 2019, a Top Gun Tournament on November 9 - 10, 2019, and a NSA Tournament November 16 – 17, 2019.

Bridge Street Rec

The Western Rockingham County Middle School is using the Bridge Street Tennis Courts for their home matches this Fall. They will play their home matches there through October, 2019.

Other

Staff will attend a Piedmont Triad Regional Council meeting on October 16, 2019

Staff will conduct the Monthly Pod Cast with Mike Moore Media on Parks and Recreation on November 1, 2019.

Planning & Inspections

Code Enforcement

22 notices were mailed by certified mail and first class mail that affect the following number of properties: 2 for violation of the Human Habitation Standards, 5 for disabled vehicles, 2 for high grass and weeds, 1 for junk storage, 1 for yard waste accumulation, and 4 for zoning violations.

Collections

\$400.00 was collected for code enforcement fees.

GIS

We have been working with the Eden Police Department on their Crime and Traffic Safety Analysis and DDACTS program.

It has become obvious that we need additional software and training to be able to meet the recent requests from the Police Department and the Municipal Services Department

Inspections

During the month of September, we completed 216 building code related inspections.

General

Staff also researched property owners and provided maps for the Business Development Department.

Maps and documents were created for the Planning Board meeting and the City Council meeting.

Planet Fitness

The Planet Fitness project is proceeding. They have been through the rough in stage and are now trimming out. They intend to open this month.

Zip's Carwash

Permit approved and issued, waiting on contractor to pick up. We have no startup date for this project.

KFC

We are also expecting the plans for the new KFC any day now. They are wanting to get started ASAP so we will fast-track the plans once they are received.

Planning Board

The Planning will hear a PUD-MU request for the Nantucket Mill property at their October regular meeting. They will be heard at the City Council meeting in November. This is the same meeting that the American Warehouse property will be on the agenda for abatement.

Historic Preservation Commission

Commission met on 9-9-19. Commission is upset about Strategic Planning Commission, feeling that they (HPC) have to go thru them (SPC) to get projects/money approved. (They do not.) Kelly came to the meeting to explain the roll of the SPC. Also discussed replacing historic district signs. Have prices from Steve Rippey to match new wayfinding signs, however will have to bid project. Mrs. Harrington resigned.

Community Appearance Commission

Commission met on 9-3-19. September Appearance Award went to Burger King. Discussed possibly getting new banners on Washington St. to support the high school. Checked into getting something by homecoming, but this is not possible on short notice. Will discuss at next meeting as possible future project. Also discussed adding more planters on Washington St., which are more affordable than the large ones there now. Also discussed new trashcans for Washington St. and Draper. Will coordinate with Randy Hunt on this. Also discussed new plantings in Draper downtown – something low (zero) maintenance and drought tolerant. Will do this when the weather cools off.

Citizens Academy

Our department is scheduled for Citizen's Academy this week. We have made preparations for our presentation and the dinner.

Stadium Drive Sidewalk

We have a meeting this week with the staff committee to begin the selection process for an engineering firm to begin the project.

Grants:

CDBG: We have not heard about the CDBG application for housing rehab and infrastructure for the Draper neighborhood.

Pedestrian Plan: We have not heard from the NCDOT about the Pedestrian Plan.

Statute Changes

The General Assembly has approved a total re-write of 160A Article 19. This will mean that every ordinance we are responsible for will have significant changes. Pouring through new Statutes and comparing them to old ones is slow going. There is a long session on these changes at the NCAPA Conference next week.

NC Planning Conference

Kelly will be attending the NCAPA Chapter Conference from October 8 through 11.

Bridge St Sidewalk-

Josh has been working with Kevin London on the development of a sidewalk on Bridge St. from Kings Highway to Highland Dr. This will provide connectivity to the new trail being installed behind Karastan. Josh and Kevin have met on site and found the existing property lines to ensure that sidewalk will not encroach on private property. The project will now be released to Public Works to begin construction.

Matrimony Creek Greenway

Josh has been developing a landscape plan for the Matrimony Creek Greenway around the entrance and bathrooms.

Meadow Rd/ Stadium Dr. Landscape Plan

Josh has drawn a landscape plan for the concrete island at the intersection of Meadow Rd and Stadium Dr. and has received funding approval from the Strategic Committee. Josh has submitted the plans and encroachment agreement to NCDOT for approval. He is meeting Jason Julian with NCDOT on 10/3/2019 at the site for final NCDOT approval.

811 Locates

One of the duties that has been assigned to Josh Woodall is to assist with 811 locates. Josh has assisted the Engineering Department with multiple 811 locates including the water line project for the Berryhill Mega Park and also a large locate project for Duke Energy in the Bearslide development.

Police

Stand Against Litter

The Eden Police Department continues to post a Public Service Announcement on the Eden Police Department's Facebook page asking citizens to Stand Against Litter as part of the county wide 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.

November Fund Raiser

This year, our department will be participating in 'No Shave November' and 'Crazy Nail / Casual Dress November' fund raising campaign. We will be supporting one of the members of our "First Responder" family this year. Emily Thacker is a Rockingham County 9-1-1 Telecommunicator and a volunteer in the Eden Rescue Squad. Emily is a 34 year old single mother of three children (ages 11, 6, 5) and lives in Eden. Emily was diagnosed with Stage 1

Invasive Ductal Carcinoma Breast Cancer. Emily has been a trooper since her diagnosis. She has had multiple doctor's appointments for testing, scans, and biopsies. Emily has had to leave work for appointments and came back to work afterwards. This will be, not only a lengthy process for her but a costly one as well. For our female officers and clerical staff, November and December 2019 will be casual dress and we also encourage our female officers and clerical staff to paint their fingernails pink or lavender for cancer awareness.

Training

We have scheduled our mandated fall in-service training for the fall. The training dates will be November 4, 18 and 25. The training will be from 10am-10pm and include fall firearms qualification.

Police Department Facebook Page

The Eden Police Department would like to continue to encourage the citizens of our community to utilize the Eden Police Department's 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.

b. RiverFest presentation.

Mayor Hall called on Coordinator of Tourism & Special Events/Projects Cindy Adams.

Ms. Adams said RiverFest began as a celebration of Eden's art history and river heritage. It started just a few years after Eden became a North Carolina Main Street champion and the City's focus turned to river recreation. Historic Downtown Eden was just a block from the Dan River and the Leaksville Landing. The Leaksville merchants in collaboration with the City facilitated the initial events. Starting off relatively slowly, as any event usually does, with one stage and a few vendors the festival had grown to include two stages of music, more than 100 food and craft vendors, and many special exhibits. It had become Eden's signature annual event that replaced the Eden Apple Festival when the funding for that event was withdrawn. RiverFest continued to evolve each year as an annual event that was meticulously planned to add new exhibits, book a variety of talented musical acts, offer inviting festival foods, and allow Eden to showcase its downtown revitalization efforts led by the local merchants. A loyal group of volunteers led by the City's Tourism Department and multiple other departments worked to bring Piedmont Triad citizens the event each September. She shared a PowerPoint of various RiverFest exhibits, musicians and vendors. They really listened to the merchants who were not seen as much when the tents were on the side of the street. They maneuvered with power and all kinds of sources to get those tents to the middle of the street. There were nine power sources and three water sources downtown dedicated to the festival. With the tents moved to the middle of the street, the vendors and merchants loved it. One year, BB&T sponsored a hot air balloon. There have been several 5K runs and the Models of RiverFest. They have used different mediums, kinds of posters, and different looks to advertise throughout the years. There had been the King BMX Stunt Show, a cowboy with roping skills, chainsaw carver, the butterfly encounter out of Florida, the virtual kayak, the gravity ball, reptiles, and the Carolina Raptor Center with a bird release as exhibits. For amusements, they had used several amusement companies, which had to be inspected by the State and some were not as good as others. Several years ago, Chris Cobert, who was top notch and the State loved him, came on board and they would keep him as long as they could. They

had the gem sluices, knockerball, the Paul Bunyan Lumberjack Crew, and the City's 50th Anniversary. They were members of the North Carolina Festivals and Events Association, which was how they got many of their good vendors through that alliance with the organization. Music had become the signature of RiverFest. It brought lots of people from many areas around the Triad, Southern Virginia, and all over the State. They tried to have different genres of music.

That year, the Police Department really stood out at RiverFest by capturing the community experience. They helped promote the Chamber of Commerce's Rubber Duck Regatta, posed with the characters, and participated in the adult tricycle race. The officers were part of the festival, had fun with it, and were not just there in uniform. Deputy Police Chief Clint Simpson wore a lighted cowboy hat and played drums with the Pizazz Band on stage. Ms. Adams awarded Deputy Chief Simpson with an award for community service over and above and named him the 2019 Star of RiverFest.

RiverFest was an award-winning festival. In the past, they had won for best downtown event with the best promotional materials, thanks to City Clerk Deanna Hunt. They were a member of the Top 20 Events of the Southeastern Tourism Society. Sponsors were everything. They could not do the festival without all of the community sponsors and many of the sponsors had been there from the very beginning. MillerCoors continued support for four more years after they left Eden. All of the things offered free at RiverFest were due to the community sponsors.

She wanted to thank everyone who attended RiverFest. The Police Department said that Eden's population doubled during the weekend of RiverFest. People came from all over to see what Eden was about and get educated on the rivers, arts and downtown. It was really a time to shine. Ms. Adams said it took an army to put the festival on and she wanted to thank everyone: the merchants, especially Glenn Denny, Bette Hutchens, Kia at the Auto Repair Shop, Karastan, Scottie's, Barry Carter, and Dave Wall who allowed use of their spaces; the vendors - special exhibitors, crafters, artisans, food and amusements; volunteers Mike Moore and Bret Hart for being the stage managers for both stages; Municipal Services Director Paul Dishmon for being a great trouble-shooter and her moral support; the Street Department because they cleaned the streets before and afterwards, with a special thanks to employees Travis Hutchens and Chris Evans of that crew who stayed late; Solid Waste Superintendent Dusty Curry and his crew for delivering trashcans and the removal of trash, and especially employee Ivan Cabiness for staying on site with the truck to empty trash; Parks and Recreation's Terry Vernon and Kathy Overby along with the Strader family, who worked hard all day long picking up trash; Economic Development Director Mike Dougherty for doing everything and staying with her from the beginning to the end; Main Street Manager Randy Hunt and the Eden Rotary for organizing and manning the beer garden; Facilities and Grounds led by Ray Thomas for setup, particularly employees Drew Chilton and Jimmy Dillon; Zach Baumann, a new employee from Municipal Services who was very dedicated and hardworking; the Police Department led by Chief Light and Deputy Chief Simpson along with Capt. John Edwards who provided overnight security to make sure everyone's belongings were taken care of; Eden Fire Marshal Todd Harden for making sure all of the vendors were setup in a safe manner; the Fire Department for letting them use the station on Henry Street as a command center and for storing the golf carts and coolers; Ms. Hunt and Administration's Jennifer Woods for all the marketing materials; electrician Carl Booth for electrifying the festival; volunteer Debbie Ellis who staffed the welcome tent; and the RiverFest Planning Team of Rhonda Price, Mr. Dougherty, Mr. Hunt, Heather Castle, Angela

Fowler, Tom Barbour, Peggy Good and Ms. Ellis. Planning was a year-long process and they had already started now for next year. She thanked the Mayor and City Council for their support and encouragement. She said they could not have done RiverFest without that. Eden's festival was known to be clean, safe and very organized. All of the people she thanked helped them keep that reputation and they would not do anything but get better.

Council Member Grogan said a festival like RiverFest could not happen without Ms. Adams.

CONSENT AGENDA:

- a. Approval and adoption of the September 17, 2019 Minutes.
- b. Adoption of a Resolution approving the Local ABC Board's Travel Policy.

RESOLUTION

WHEREAS, the City of Eden is the appointment authority for the local ABC Board, and;

WHEREAS, pursuant to N.C.G.S. § 18B-700(g2), the City of Eden, as the appointing authority, shall approve the travel policy adopted by the local board. Such travel policy shall conform and be the policy used by the City of Eden.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Eden that the local ABC Board has adopted a travel policy that is identical to and conforms to the travel policy of the City of Eden, and that the City Council for the City of Eden hereby approves such policy.

APPROVED, ADOPTED AND EFFECTIVE, this 15th day of October, 2019.
City of Eden
Neville Hall, Mayor
Attest: Deanna Hunt, City Clerk

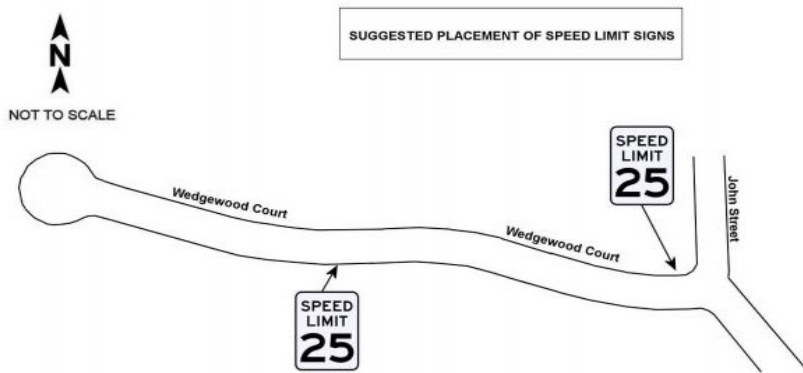
- c. Adoption of the Rockingham County Involuntary Commitment Transportation Plan.

A copy of this plan is on file in the City Clerk's Office.

- d. Adoption of an Ordinance to lower the speed limit on Wedgewood Court.

Sgt. Jim Robertson wrote in a memo dated October 3, 2019, the Police Department received a request for a traffic study on Wedgewood Court by a citizen in late August. Eden City Council Member Darryl Carter was in support of a traffic study on Wedgewood Court. Wedgewood Court is in a residential area with a cul-de-sac at the west end and has 22 households along it. As with all residential areas, the chances for pedestrian traffic are heightened; particularly children. An order was issued for speed surveys to be completed on Wedgewood Court. Ten separate speed surveys were conducted at different times and dates from September 9 through September 30. Speed data was collected from 73 vehicles traveling through the area. The data showed that 68% of the recorded traffic was traveling at or below 25 mph. Another 29% of 2 traffic was traveling between 26 mph to 38 mph. And lastly, there were 3% of the vehicles going 39 mph to 44 mph. Additionally, several residents were polled directly as to their opinion about whether the speed limit on Wedgewood Court should be 25 mph, 3 5mph, or something other. Thirteen of the 22 households uniformly responded that 25 mph would be the speed limit they preferred to see enforced (the remaining households had no response at the door during the times of the poll). All residents polled cited "children in the area" as their main concern for the reduced speed limit. Due to the residential nature of the area, the majority opinion of the residents, and the speed data showing a high majority of the sample vehicles self-conforming to a 25 mph speed limit, the recommendation of the Police Department is that the speed limit on

Wedgewood Court be reduced from the citywide speed of 35 mph to 25 mph. Below is a map of the proposed locations of the Speed Limit signs:



AN ORDINANCE REDUCING THE SPEED LIMIT ON WEDGEWOOD COURT FROM JOHN STREET WESTWARD TO THE CUL-DE-SAC/DEAD END OF WEDGEWOOD COURT

BE IT ORDAINED BY THE CITY COUNCIL of the City of Eden, North Carolina, pursuant to authority granted by N.C.G.S. § 20-141(e) that:

Section 1 – The City Council of the City of Eden has determined that operation of a motor vehicle Thirty-Five (35) miles per hour on Wedgewood Court from John Street westward to the cul-de-sac/dead end of Wedgewood Court is greater than is reasonable and safe under the conditions existing upon Wedgewood Court from John Street westward to cul-de-sac/dead end of Wedgewood Court.

Section 2 – It shall be an infraction to operate a motor vehicle on Wedgewood Court from John Street westward to the cul-de-sac/dead end of Wedgewood Court in excess of Twenty-Five (25) miles per hour.

Section 3 – Signs shall be placed, erected or installed on each side of Wedgewood Court from John Street westward to the cul-de-sac/dead end of Wedgewood giving notice of the speed limit to traffic traveling in each direction on said street/roadway.

Section 4 – The OFFICIAL TRAFFIC MAP of the City of Eden is hereby amended to conform with this Ordinance.

Section 5 – All ordinances in conflict with this Ordinance are hereby repealed.

APPROVED, ADOPTED AND EFECTIVE, this 15th day of October, 2019.

City of Eden

Neville Hall, Mayor

Attest: Deanna Hunt, City Clerk

- e. Approval to award a bid for the City Hall boiler replacement project to United Financial(Home Trust) for financing.

Assistant Director of Finance Amy Winn said in a memo that Council approved the replacement of the boiler at City Hall in its FY 2019-2020 Budget. On September 25, 2019, she requested bids from our local banks for the financing and received the following quotes: BB&T 2.47%, United Financial (Home Trust) 2.19%

The total cost of the equipment is \$232,569 with annual payments of approximately \$49,613.88, which was within the budgeted amounts. She respectfully asked that Council approve United Financial (Home Trust) as the successful bid for financing.

f. Approval to award a bid for the Solid Waste ejector trash trailer to United Financial.

Ms. Winn said in a memo in the 2019-2020 Budget, City Council approved the purchase of a trash trailer for the Solid Waste department and it has been set up in the budget to be financed. On October 1, 2019, she requested bids from our local banks for the financing and received the following quotes: BB&T 2.47%, United Financial (Home Trust) 2.19%

The total cost of the equipment is \$59,223 with annual payments of approximately \$12,634.03, which was within the budgeted amounts. She respectfully asked that Council approve United Financial (Home Trust) as the successful bid for financing.

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

ANNOUNCEMENTS:

Mayor Hall said Thursday night, there would be a meet and greet of the Eden City Council candidates from 5:30 to 7 at Rio Grande. It was originally scheduled to be at Santana's but due to handicapped accessibility for the room they were using, the Chamber of Commerce had to change locations.

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



EDEN FIRE DEPARTMENT

MEMO

To: Honorable Mayor and City Council
From: Tommy Underwood, Fire Chief
Date: 11-12-19
Subject: Amended contract with Rockingham County

The Rockingham County Fire Marshal's Office requested we approve a contract amended from the one approved by Council at your March 19, 2019 regular meeting. The amendment is a change from a three-year contract to a one-year contract.

Please let me know if you have any questions or concerns.

**NORTH CAROLINA
ROCKINGHAM COUNTY**

This Contract is entered into the 1st day of July, 2019 by and between **ROCKINGHAM COUNTY**, a body politic existing under the laws of the State of North Carolina, hereinafter referred to as “**COUNTY**” and **CITY OF EDEN FIRE DEPARTMENT**, a non-profit corporation organized pursuant to the laws of the State of North Carolina, hereinafter referred to as “**CITY OF EDEN FIRE DEPARTMENT**”.

WITNESSETH:

WHEREAS, City Of Eden Fire District will be covered by the **CITY OF EDEN FIRE DEPARTMENT** which is located at 308 East Stadium Drive, Eden, North Carolina; and

WHEREAS, the Board of Commissioners of Rockingham County wishes to contract with **CITY OF EDEN FIRE DEPARTMENT**, to provide fire protection to the holdings and belongings of Rockingham County within the boundaries of the **EDEN CITY LIMITS** and to provide mutual aid assistance to those fire districts outside the boundaries of the **EDEN CITY LIMITS**, as requested by the mutual aid county departments, said contract being entered into pursuant to N.C. G.S. Section 153A-233; and,

WHEREAS, the **COUNTY** and the **CITY OF EDEN FIRE DEPARTMENT** have agreed to amend this contract by incorporating provisions of the Incident Command System (ICS) in managing emergency response and coordination.

NOW THEREFORE, in consideration of the mutual covenants and premises herein contained the parties hereto agree as follows:

1. This contract shall commence upon execution by both parties and continue until **June 30, 2020** and shall continue in force and effect unless earlier terminated by either party hereto upon 30 days written notice to the other party.
2. During the term of this contract the **CITY OF EDEN FIRE DEPARTMENT**, agrees to provide adequate fire protection within the boundaries of the **EDEN CITY LIMITS**.
3. The **CITY OF EDEN FIRE DEPARTMENT** has agreed to undertake to provide medical response services under the supervision of the Rockingham County Emergency Medical Services and in compliance with the medical response program, its rules and regulations, its training and certification requirements and its continuing education programs set forth by the Rockingham County Emergency Medical Services. The purpose of the department’s participation in the medical response program is to provide basic life support to the sick and injured until at which time being relieved by a support provider of equal or higher credential level.

Utilizing the National Incident Management System (NIMS), Rockingham County will employ the Incident Command System (ICS) in managing emergencies. The ICS is both a strategy and a set of organization arrangements for directing and controlling field operations from different agencies into a temporary emergency organization at an

incident site that can expand and contract with the magnitude of the incident and resources at hand.

Utilizing NIMS, the first public safety official (law enforcement, fire, emergency medical unit) to arrive on the scene of an emergency shall become the “incident commander” of the scene and shall be the official in charge of the scene until such time as the incident becomes resolved, command has been transferred to a command officer of equal or higher credentials, or until a senior official arrives on the scene and assumes command in compliance with NIMS Incident Command System standards.

Utilizing NIMS, the IC will establish an Incident Command Post (ICP) and provide an assessment of the situation to local officials, identify response resources required and direct the on-scene response from the ICP.

Rockingham County Emergency Medical Services shall be entitled to track the department’s personnel participating in the medical response program. The department shall abide by the rules and regulations, minimum training requirements, and certification and continuing education requirements so that department’s personnel meet all medical response criteria. Medical Response engaged in by the **CITY OF EDEN FIRE DEPARTMENT** is **Voluntary** in nature.

4. **CITY OF EDEN FIRE DEPARTMENT**, agrees that it will not assign this contract without obtaining the prior written permission of the County.
5. **CITY OF EDEN FIRE DEPARTMENT**, shall account for any County funds received for fire protection and shall expend all such funds as deemed necessary to provide adequate fire protection for the **EDEN CITY LIMITS**.
6. The **CITY OF EDEN FIRE DEPARTMENT** agrees to furnish the **COUNTY** with a copy of any audit that is performed in the previous year on the **CITY OF EDEN FIRE DEPARTMENT**. The audit should be turned in on an annual basis by June 30 of each year. If no such audit is performed on the **CITY OF EDEN FIRE DEPARTMENT**, it must furnish the **COUNTY** with a copy of its Form 990 in lieu of the audit.

Failure to timely provide the **COUNTY** with said audit or Form 990 documentation per this paragraph shall constitute a breach of contract and the **COUNTY** may terminate this Agreement in accordance with Paragraph 14. Furthermore, in the event the **FIRE DEPARTMENT** fails to provide said audit or 990 documentation as required by this Agreement, the **COUNTY** shall have the authority to reduce the **FIRE DEPARTMENT’S** tax rate for the succeeding fiscal year.

7. The terms and provisions herein contained constitute the entire agreement by and between the county and **CITY OF EDEN FIRE DEPARTMENT**, and shall supersede all previous communications, representations or agreements either verbal or written between the parties hereto with respect to the subject matter hereof.
8. Compensation for this service shall be in the amount of **\$2,400.00** per year for Fire Protection in said district.

9. After the indicated ending date of this agreement, said agreement shall continue for a successive additional period of thirty (30) days or until the effective date of a subsequent contract to furnish fire protection and/or medical response to the tax district, whichever date is earlier.

IN WITNESS WHEREOF this instrument has been executed in duplicate originals, one of which is retained by each of the parties hereto.

ATTEST:

CITY OF EDEN

MAYOR

Date

ATTEST:

FIRE DEPARTMENT

FIRE DEPARTMENT CHIEF

Date

ATTEST:

ROCKINGHAM COUNTY

Keli Watkins, MMC/NCCCC
Clerk to the Board

A. Reece Pyrtle, Jr. Chairman
Board of Commissioners

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Patricia P. Galloway, Finance Officer

Date

John Morris, County Attorney

Date

CITY OF EDEN – MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL

THRU: TERRY SHELTON, CITY MANAGER

FROM: ERIN GILLEY, CITY ATTORNEY

DATE: NOVEMBER 13, 2019

SUBJECT: INTERLOCAL SOLID WASTE DISPOSAL AGREEMENT

Attached for your review and approval is the Interlocal Solid Waste Disposal Agreement. If approved this will be the second agreement between the County and the City of Eden, Towns of Madison, Mayodan and Stoneville. This agreement was initially enacted in 1994 when the governmental landfill was first started. The agreement had a 15 year term with two five year renewal periods.

This proposed agreement is essentially identical to the one adopted in 1994. It authorizes the County to provide facilities for the disposal of municipal solid waste and provides for the agreement of the municipalities to deliver the solid waste generated within its corporate limits to the facilities of the County. It also provides for the County's operation of the facilities and the municipalities' tipping fees. The agreement calls for the creation and establishment of a solid waste committee in which each municipality has a representative. The committee reviews operations and fees. Council Moore is the City's representative and Dusty Curry is also present and involved with the committee. The tipping fees are adjusted annually and are adopted in the County's schedule of fees and taxes. The tipping fees in this agreement are consistent with the fees adopted July of 2019.

The term of this agreement is also 15 years with two five year automatic renewals. The County Board of Commissioners has already approved this agreement. Staff recommends that you approve the execution of this agreement. Please do not hesitate to contact me if you have any questions or concerns.

**ROCKINGHAM COUNTY
NORTH CAROLINA**

**INTERLOCAL SOLID WASTE
DISPOSAL AGREEMENT**

This agreement made and entered into this _____ day of _____, 2019, by and between **ROCKINGHAM COUNTY**, a North Carolina body politic (hereinafter referred to as “**COUNTY**”), party of the first part; and the **CITY OF EDEN**, the **TOWN OF MADISON**, the **TOWN OF MAYODAN**, and the **TOWN OF STONEVILLE**, municipal corporations chartered by the State of North Carolina (hereinafter referred to as the “**MUNICIPALITIES**”), parties of the second part:

WITNESSETH:

WHEREAS, the **COUNTY** currently operates a solid waste disposal facility in Rockingham County for the disposal of waste brought to said facility by the residents and businesses of the **COUNTY** and the **MUNICIPALITIES**; and,

WHEREAS, the solid waste which is disposed of in the **COUNTY’S** solid waste disposal facility is generated within both the incorporated and unincorporated areas of Rockingham County; and,

WHEREAS, it is in the best interest of the citizens and residents of both the **COUNTY** and the **MUNICIPALITIES** to provide for efficient, proper, and environmentally sensitive methods of disposing of solid waste; and,

WHEREAS, the State of North Carolina has encouraged local governments to utilize all means reasonable available to promote efficient and proper methods of disposing of solid waste; and,

WHEREAS, the **COUNTY** is authorized by North Carolina General Statute §153A, Article 15, Part 1, and the **MUNICIPALITIES** are authorized by N.C.G.S. §160A, Article 16, Part 1, to establish and operate public enterprises furnishing solid waste collection and disposal facilities and services to the public; and

WHEREAS, the **COUNTY** and the **MUNICIPALITIES** are authorized by N.C.G.S. §160A, Article 20, to enter into contracts or agreements with each other to execute any undertaking involving the joint exercise, or the exercise by one for the other, of any power, function, public enterprise, right, privilege or immunity of local government; and,

WHEREAS, the **COUNTY** has indicated its intention to construct and operate the solid waste disposal facilities necessary for the implementation of this Agreement; and,

WHEREAS, the construction and continued operation of the **COUNTY's** solid waste disposal facilities as planned will require large capital expenditures, the financing of which will necessitate that the **COUNTY** assure itself that a sufficient volume of solid waste anticipated to be generated within the jurisdiction of the **COUNTY** and of the **MUNICIPALITIES** be disposed of at the **COUNTY's** solid waste disposal facilities; and,

WHEREAS, the **MUNICIPALITIES** desire to contract with the **COUNTY** to provide for the economical disposal of Solid Waste generated within the corporate limits of each of the **MUNICIPALITIES**; and,

WHEREAS, the Board of Commissioners of the **COUNTY** and the governing board of the **MUNICIPALITIES**, each deem it to be in the best interests of the present and future citizens of each entity that this Agreement be entered into in order to meet their complementary needs for the economical disposal of Solid Waste.

NOW, THEREFORE, in consideration of the terms, conditions, and covenants expressed herein, the **COUNTY** and the **MUNICIPALITIES** agree as follows:

ARTICLE I
Purpose of Agreement

The purpose of this Agreement is to evidence the **COUNTY'S** agreement to provide facilities for the disposal of municipal solid waste generated within the corporate limits of each of the **MUNICIPALITIES**, and the agreement of each of the **MUNICIPALITIES** to deliver, or cause to be delivered, solid waste under its jurisdiction and control and collected within its corporate limits to the solid waste disposal facilities of the **COUNTY**, to the extent, and subject to the conditions, hereinafter set forth.

ARTICLE II
Definitions

- A. "Environmental Law"** -- Any federal, state, county, or local statute, law, regulation, rule, ordinance, code, directive, policy, license or permit, or any agreement, imposing liability or standards of conduct or responsibility concerning or otherwise relating to environmental or health and safety matters, including but not limited to the Comprehensive Environmental Response, Compensation and Liability Act, the Emergency Planning and Community Right-to-Know Act, the Resource Conservation and Recovery Act, the Toxic Substances Control Act, the Clean Air Act, any superfund

or superlien law, and any similar state, county, or local laws, all as amended from time to time and all as now or at any time hereafter may be in effect.

- B. "Excluded Waste"** -- Highly flammable substances, hazardous waste, liquid wastes, certain pathological and biological wastes, explosives, radioactive materials, or any other waste excluded by any applicable Environmental Law or excluded by any of the terms and conditions of any permits, licenses or approvals obtained with respect to the **COUNTY's** operation of its facilities. The term shall also include other materials which are not subject to reasonable management practices or which pose an unreasonable risk or danger to the operation of the **COUNTY's** facilities or to the environment.
- C. "Hazardous Waste"** -- All materials or substances defined or characterized as hazardous waste by the United States Environmental Protection Agency (EPA), the North Carolina Department of Environmental Quality (NCDEQ) or any other agency pursuant to the Resource Conservation and Recovery Act, all current and future amendments to that Act, and all regulations promulgated thereunder.
- D. "Solid Waste"** -- All material customarily referred to as garbage, refuse, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial- discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 STAT. 880) or source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended (68 STAT. 923). The term "Solid Waste" shall not include any Special, Excluded or Hazardous Waste.
- E. "Special Waste"** -- Any waste which requires special or exceptional handling or requires approval from NCDEQ. This term includes without limitation any material which is not typically found in household, commercial or municipal refuse, and materials such as industrial waste, institutional waste, ashes, sludge, animal manure, residue from incineration, food processing wastes, and dredging wastes which necessitate special or exceptional handling requirements. This term does not include Nuclear Waste, Hazardous Waste or Excluded Waste.
- F. "Nuclear Waste"** -- Any quantity of radioactive material required by 10 CFR Part 71 to be in Type B packaging while transported within or through the state or subject to advance notification requirements of 10 CFR 71.97 prior to transportation to a collection point or disposal site.

- G. **"Facility"** -- The solid waste disposal facility or facilities provided or designated by the **COUNTY** for the disposal of municipal solid waste generated within the corporate limits of each of the **MUNICIPALITIES** pursuant to this Agreement.
- H. **"Committee"** -- The "Rockingham County Solid Waste Committee" established under ARTICLE X of this Agreement.
- I. **"Enterprise Fund"** -- The Rockingham County Landfill Enterprise Fund established by the **COUNTY** to account for revenues and expenditures of the **COUNTY'S** solid waste disposal facilities and operations which are financed through user charges.

ARTICLE III

Duration

This Agreement shall be effective when executed by each party. After execution the **COUNTY** shall be responsible for delivering a duplicate counterpart or copy of the fully executed Agreement to each of the respective parties. This Agreement shall continue in full force and effect for the term of fifteen (15) years from the date of this Agreement and shall automatically renew thereafter for two successive five (5) year terms, unless notice of non-renewal is given by either party two (2) years in advance of the applicable renewal date.

ARTICLE IV

Responsibilities of COUNTY

- A. The **COUNTY** shall receive and dispose of solid waste from the **MUNICIPALITIES** in accordance with the terms of this Agreement, and all applicable Federal, State and local requirements. The **COUNTY** is not required by the terms of this Agreement to accept Special, Excluded, or Hazardous Waste. Solid Waste accepted by the **COUNTY** for disposal under this Agreement in a facility owned by the **COUNTY** shall become the property and responsibility of the **COUNTY**; acceptance thereof shall be complete after any necessary screening and upon the physical deposit of such waste by landfill personnel in the permitted disposal areas of the Facility.
- B. The **COUNTY** shall schedule hours and days for receiving solid waste reasonably compatible with the **MUNICIPALITIES'** normal collection and delivery schedule. The **COUNTY** shall make every reasonable effort, in good faith, to meet the needs of the **MUNICIPALITIES** with regard to disposal schedules. Whenever possible, the **COUNTY** shall provide to the **MUNICIPALITIES** ninety (90) days written notice of any changes in operations or schedules at the Facility.

The current schedule of hours and days for receiving solid waste at the Rockingham County Landfill Facility is as follows:

Monday through Friday	--	7:30 a.m. to 4:15 p.m.
Saturday	--	7:30 a.m. to 12:30 p.m.

Holiday schedules for each year will be approved by the Solid Waste Committee and by the Rockingham County Board of Commissioners as recommended by the Solid Waste Committee. Dates will be adjusted yearly based upon the upcoming year calendar. The normal yearly holidays are as follows:

New Year's Day	Independence Day
Martin Luther King, Jr. Day	Labor Day
Good Friday	Veterans' Day
Memorial Day	Christmas
Thanksgiving	

The **COUNTY** shall inform the **MUNICIPALITIES** on an annual basis at least ninety (90) days prior to the beginning of each calendar year of its proposed holiday schedule. In the event such holiday schedule conflicts with the collection schedule of the **MUNICIPALITIES**, then any conflict will be referred to and resolved by the Committee established under Article X of this Agreement. It is specifically agreed, however, that holidays shall not be established to close the Facility on any two consecutive days (other than a Sunday) for which any one of the **MUNICIPALITIES** regularly collects and delivers Solid Waste to the Facility.

ARTICLE V **Responsibilities of MUNICIPALITIES**

- A.** The **MUNICIPALITIES** shall deliver or cause to be delivered all Solid Waste collected within its corporate limits and under its control pursuant to statutory authority or encompassed under its municipal collection program (except for recyclables, yard or wood waste for which it has a separate management program) to the Facility for processing or disposal in accordance with the terms of this Agreement and with all applicable Federal and State of North Carolina requirements, provided that the **MUNICIPALITIES** shall not deliver Hazardous Waste or other waste which the Facility is not permitted to receive. All loads will be secured to prevent litter during transport to landfill.

- B.** To the extent necessary to fulfill its responsibilities under this Agreement, the **MUNICIPALITIES** will adopt such waste plans and/or ordinances as are permitted

under law to obligate that all such Solid Waste, as set forth in subsection A above, be delivered to the Facility.

ARTICLE VI
Tipping Fees

A. The **MUNICIPALITIES** agree to pay tipping fees to the **COUNTY** as follows for all Solid Waste delivered to the Facility pursuant to this Agreement and as published in the Rockingham County Master Fee Schedule.

Municipal Solid Waste	MSW Tipping Fee	\$36.00 per ton + \$2.00 per ton State tax
Construction and Demolition Waste	Clean wood and inert debris	\$21.00 per ton
	Mixed construction and demolition waste	\$38.00 per ton + \$2.00 per ton State tax
	Shingles	\$38.00 per ton + \$2.00 per ton State tax
Sludge	Sludge fee	\$38.00 per ton + \$2.00 per ton State tax
Special Waste	Special waste	\$76.00 per ton + \$2.00 per ton State tax
Animal Remains	Animal remains	\$36.00 per ton + \$2.00 per ton State tax
White Goods/Scrap Metal	White Goods/scrap metal	No Charge

Tipping fees for subsequent fiscal years shall be adjusted by the **COUNTY** from time to time so as to produce revenues sufficient, when added to other revenues produced by the Facility, to pay the total current and long-term costs of financing, constructing, operating, and maintaining the Facility and any additions, improvements, or betterments thereto and to provide revenues and reserves sufficient to meet any debt service, monitoring, closure, and post-closure requirements of the Facility, PROVIDED THAT any adjustment in tipping fees shall be submitted to the Committee established under Article X of this Agreement for its review and consideration at least ninety (90) days prior to implementation.

B. Tipping Fees for Disposal of Special Waste. Tipping fees for the disposal of Special Waste may be established by the **COUNTY** to reasonably reflect the cost of handling and disposal of a particular Special Waste and any risks associated therewith. It is understood by the parties that tipping fees for Special Wastes will in some instances be higher and some instances lower than tipping fees for other Solid Waste. Any dispute as to the appropriateness of any tipping fee established for the disposal of Special Waste shall be referred to and resolved by the Committee established under Article X of this Agreement.

C. **Payment.** The **MUNICIPALITIES** shall remit to the **COUNTY** to establish and implement a system of rates, fees, and charges ("User Fees") to be paid by all entities that generate solid waste within the **COUNTY'S** own service area and jurisdiction.

ARTICLE VII
User Fees

Nothing in this Agreement shall limit the authority of the **COUNTY** to establish and implement a system of rates, fees and charges ("User Fees") to be paid by all entities that generate solid waste within the **COUNTY'S** own service area and jurisdiction.

ARTICLE VIII
Personnel

Each party shall appoint the necessary personnel for performing its obligations under this Agreement. Each of the **MUNICIPALITIES** and its personnel, or independent contractors, shall be responsible for the collection of solid waste within its municipal limits. **COUNTY** shall have no responsibility with respect to the collection of solid waste within the municipal limits of the **MUNICIPALITIES**. **COUNTY**, its employees, or independent contractors, shall be responsible for operating the Facility. The **MUNICIPALITIES** shall not be responsible for supplying personnel to handle the disposal of Solid Waste at the Facility.

ARTICLE IX
Financing

The application for all permits necessary to, and financing of, the construction, acquisition and operation of the proposed Facility shall be the responsibility of the **COUNTY**. The **COUNTY** shall pay the costs and fees associated with preparing for the issuance of debt to finance construction of the Facility. All costs of opening, operating and closing of the Facility shall be paid from the Rockingham County Landfill Enterprise Fund. **COUNTY** shall not have any responsibility with respect to the financing of or cost associated with the collection of solid waste within the corporate limits of **MUNICIPALITIES**. Except for the payment of tipping fees as set forth herein, the **MUNICIPALITIES** shall not have any responsibility for the financing of, or costs associated with, the disposal of solid waste delivered to the Facility. The **COUNTY** shall, consistent with the terms of this Agreement, set and collect tipping fees for solid waste disposal in the Facility. The **COUNTY** agrees that in the event that revenues from tipping fees, from the sale of recyclables and from any other solid waste disposal revenues in any fiscal year exceeds the expenses incurred by **COUNTY** in that fiscal year in providing and operating the Facility, the **COUNTY** shall use said excess funds in subsequent fiscal years to provide or operate facilities available, in accordance with the terms of this Agreement for the disposal of municipal and county solid waste. The

MUNICIPALITIES agree to pay or cause to be paid tipping fees as set by the **COUNTY** pursuant to this Agreement on all solid waste delivered by the **MUNICIPALITIES** or their contract haulers to the Facility. The tipping fees charged the **MUNICIPALITIES** shall not, in any event, exceed those being charged other municipalities entering into similar Interlocal Solid Waste Disposal Agreements with the **COUNTY** or to citizens of Rockingham County who are not citizens of a municipality for equivalent disposal services.

ARTICLE X

Solid Waste Committee

The “Rockingham County Solid Waste Committee” is hereby established for the purpose of effectuating the provisions of this Agreement.

A. Duties of the Committee. The Committee shall perform the following duties:

1. Meet no less than quarterly;
2. Resolve any conflict in the holiday schedule proposed for the Facility;
3. Review and consider any proposed adjustment in tipping fees for the disposal of Solid Waste at the Facility;
4. Resolve any dispute as to the appropriateness of any tipping fee established for the disposal of Special Waste at the Facility;
5. Receive written quarterly reports from the **COUNTY** setting forth in a comprehensive summary all pertinent matters relating to the opening, operation, financing, and closing of the Facility, including, but not limited to, the following:
 - a. The source and amounts of all revenues from the Facility;
 - b. The costs of operating the Facility;
 - c. The Enterprise Fund balance(s) and investment status;
 - d. The expenditure of any capital funds in connection with the Facility and the progress of any ongoing construction at the Facility; and,
 - e. All applicable environmental and/or legal concerns.
6. Make such recommendations to the **COUNTY**, from time to time, regarding the financing, operation, and availability of the Facility for waste disposal to any users not parties to the Agreement, as will in the Committee’s opinion promote the best utilization of the Facility and protect the financial integrity thereof.

B. Composition of the Committee. The **COUNTY** and the **MUNICIPALITIES** shall each appoint one representative who, along with a representative of any local government joining in the execution of this or a similar agreement with the **COUNTY**, shall constitute the Rockingham County Solid Waste Committee. Such Committee

shall, during the term of this Agreement, review and oversee the operation of the Facility to assure that the provisions of this Agreement are fully complied with. Each representative to the Committee shall have a voice and a vote on the Committee. The Rockingham County Solid Waste Committee shall be initially composed of the following individuals:

<u>Entity Board</u>	<u>Appointee</u>
City of Eden	City Manager/Board Member/or designee
Town of Madison	Town Manager/Board Member/or designee
Town of Mayodan	Town Manager/Board Member/or designee
Town of Stoneville	Town Manager/Board Member/or designee
Rockingham County	County Manager/Board Member/or designee

The initial members of the Committee shall serve until their successors are appointed, and at the pleasure of their appointing entity, so long as they hold their respective offices within the appointing entity. Any Committee member who no longer serves in his appointed or elected position shall automatically cease to serve on the Committee and shall be replaced upon the appointment of his or her successor.

The Committee shall elect a chair, vice-chair, and secretary, and shall adopt by-laws and rules governing its procedures.

- C. Interrelationship of Committee and Parties to this Agreement.** Through their duly authorized and empowered officials and representatives, the entities represented on the Committee shall consult and cooperate with each other in all respects regarding the construction, operation and maintenance of the Facility so that all parties shall at all times be fully informed with regard thereto, shall have full access to financial records of the Facility, and shall be provided copies of quarterly financial reports as to the disposal operations hereunder and the **COUNTY'S** annual audit of same as required by law.
- D. Establishment of Tipping Fees.** The represented entities agree that to the extent permitted by law, the fees and charges for disposal of Solid Waste at the Facility will be initially established and amended from time to time so as to produce revenues sufficient, when added to other revenues produced by the Facility, to pay the total current and long-term costs of financing, constructing, operating and maintaining the Facility and any additions, improvements or betterments thereto and to provide revenues and reserves sufficient to meet any debt service, monitoring, closure, and post-closure requirements of the Facility in accordance with generally accepted accounting principles and requirements for enterprise funds as promulgated by the

North Carolina Department of the State Treasurer and the Local Government Commission.

ARTICLE XI
Representations and Warranties of the Parties

COUNTY and **MUNICIPALITIES**, each represent, warrant, and agree as follows:

- A. Approval and Authorization:** Each said entity has full power and authority to enter into this Agreement and to fully perform all of its duties and obligations hereunder pursuant to various enabling sections of the North Carolina General Statutes. The governing board for each said entity has duly authorized the execution and delivery of this Agreement and the performance of all of its duties and obligations contained herein. This Agreement constitutes a valid and legally binding obligation of each said entity enforceable in accordance with its terms, subject to any state or federal regulatory approval which may be required pursuant to applicable statute.
- B. No Litigation:** There is no action, suit, or proceeding pending or, to the best of each entity's knowledge and belief, threatened against or affecting said entity, at law or in equity or before or by any Federal, State, municipal or other governmental department, commission, board, bureau, agency or instrumentality (i) wherein any decision, ruling or finding would adversely affect the transactions contemplated herein, or (ii) arising directly or indirectly out of the existence or operation of said entity's Solid Waste collection, disposal or landfill systems.
- C. Non-discretionary Functions:** This Agreement pertains solely to non-discretionary governmental functions. Each entity's obligations under this Agreement shall bind all future governing boards for each entity, during the term of this Agreement, to make all necessary appropriations and take all necessary actions to meet its obligations hereunder.

ARTICLE XII
No Agency or Joint Enterprise

The parties to this Agreement recognize and agree that no agency, joint enterprise or joint ownership of real or personal property is created by this Agreement and that the relationship established hereunder is of **MUNICIPALITIES** as customer, and **COUNTY** as owner and operator of disposal facilities hereunder, and that neither party shall be responsible in any manner for the legal liability or financial responsibility of the other, or of any other municipalities or other party entering into a similar agreement with the **COUNTY**.

ARTICLE XIII
Amendment

This Agreement may not be modified or amended except by a subsequent written agreement authorized by the governing bodies of each party and signed by authorized representatives of each party.

ARTICLE XIV
Termination

This Agreement may be terminated upon mutual consent of the parties, or by court order upon the finding that there has been such a substantial breach of this Agreement by the non-complaining party so as to entitle the complaining party to be relieved of its obligations under this Agreement.

ARTICLE XV
Entire Agreement

This instrument contains the entire agreement between the parties, and no statement, oral or written, made by either party or agent of either party that is not contained in this written Agreement shall be valid or binding.

ARTICLE XVI
Default

A default of this Agreement shall mean a material failure to comply with any of the material provisions of this Agreement. The obligation of the **COUNTY** to dispose of the **MUNICIPALITIES'** Solid Waste shall be a continuing obligation and constitutes an integral and material part of this Agreement the uncured breach of which shall subject the **COUNTY** to remedies for default as provided below. Without limitation, the obligations of each of the **MUNICIPALITIES** (i) to deliver or cause to be delivered all Solid Waste collected within its corporate boundaries and under its control pursuant to statutory authority or encompassed under its municipal collection program (except for recyclable, yard or wood waste for which it has a separate management program) to the Facility for processing or disposal; and, (ii) to pay all fees when due under this Agreement shall be continuing obligations, the uncured breach of which shall subject each of the **MUNICIPALITIES** who shall breach such obligations to remedies for default as provided below. The specific enumeration of the above obligations as material under this Agreement does not exclude other obligations under this Agreement from also being considered as material.

ARTICLE XIX
Duplicate Originals

This Agreement shall be executed by the parties hereto in duplicate originals, each of which, when executed, shall constitute one and the same Agreement.

ARTICLE XX
Governing Law

This Agreement shall be governed in accordance with the law of the State of North Carolina.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the same having been approved by the respective governing bodies of the COUNTY and of each of the MUNICIPALITIES on the day and year first written above.



ROCKINGHAM COUNTY

BY: A. R. [Signature]

ATTEST:

[Signature]

CITY OF EDEN

(SEAL)

BY: _____

ATTEST:

CITY OF MADISON

(SEAL)

BY: _____

ATTEST:

CITY OF MAYODAN

(SEAL)

BY: _____

ATTEST:

CITY OF STONEVILLE

(SEAL)

BY: _____

ATTEST:

Memo

To: Honorable Mayor and City Council
From: Paul Dishmon Director of Municipal Services
Thru: Terry Shelton, Interm City Manager
Date: Nov. 7th, 2019
Re: Surplus Items

Municipal Services has items that we would like to have declared surplus and be advertised for sale on Gov deals auction site by Jason Barnard, Fleet Maintenance Superintendent. Due to age and condition of the following items it is no longer feasible for the City of Eden to keep and maintain the following equipment.

The items are as follows:

- 2008 Ford F450 W57 - 1FDXW47R08ED03833
- 2008 Ford F450 W58 - 1FDXW47R28ED03834
- 1992 Chevy Suburban FM21 - 1GNGK26N9NJ334561
- 1998 Ford F150 G62 - 1FTZF1729WNA63225
- 2007 Gravely 260Z FM41 - 001038
- 1996 Ford 655E Backhoe W42 - 031001184
- 2007 BS60-2I Wacker Tamp S159 – 5715233
- 1999 Wacker Tamp BS600 S122 - 5087639
- 2011 Gravely FM54 -002605

Thank you for your consideration in this request. If you have any question please let me know.

Thanks

Paul

**NOTICE OF RESOLUTION AUTHORIZING THE DISPOSAL
OF PERSONAL PROPERTY BY PUBLIC AUCTION**

WHEREAS, the City of Eden owns certain surplus equipment, 5 trucks, 2 mowers, 2 tamps, and 1 backhoe, described on Exhibit A and incorporated herein, hereinafter referred to as “the property”; and

WHEREAS, due to the age of the property, it is no longer economically feasible to maintain it for City use; and

WHEREAS, the City of Eden desires to dispose of the property by public auction as authorized by North Carolina General Statute §160A-270; and

WHEREAS, pursuant to North Carolina General Statute §160A-270 (c), the City Council must authorize the use of the public electronic auction service and the means of publication; and

WHEREAS, the property will be sold at a public electronic auction to the highest bidder excepting any reserve placed on the property. The property will be listed at www.govdeals.com starting on December 2, 2019, and will be posted continuously until it is sold; and

WHEREAS, The City desires to publish this notice solely by electronic means via the City of Eden website; and

WHEREAS, Jason Barnard, Fleet Maintenance Superintendent, is an appropriate city official to dispose of the property by public auction.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Eden that the property listed above be disposed of by public auction, that the publication of this sale be solely by electronic means, and that Jason Barnard be authorized to dispose of the property by public auction.

APPROVED, ADOPTED AND EFFECTIVE this 19th day of November, 2019.

CITY OF EDEN

By: _____
Neville Hall, Mayor

ATTEST:

Deanna Hunt, City Clerk

Exhibit A

- 2008 Ford F450 W57 - 1FDXW47R08ED03833
- 2008 Ford F450 W58 - 1FDXW47R28ED03834
- 1992 Chevy Suburban FM21 - 1GNGK26N9NJ334561
- 1998 Ford F150 G62 - 1FTZF1729WNA63225
- 2007 Gravely 260Z FM41 - 001038
- 1996 Ford 655E Backhoe W42 - 031001184
- 2007 BS60-2I Wacker Tamp S159 - 5715233
- 1999 Wacker Tamp BS600 S122 - 5087639
- 2011 Gravely FM54 - 002605

**RESOLUTION AUTHORIZING THE DISPOSAL
OF PERSONAL PROPERTY BY PUBLIC AUCTION**

WHEREAS, the City of Eden owns certain surplus equipment, 5 trucks, 2 mowers, 2 tamps, and 1 backhoe, described on Exhibit A and incorporated herein, hereinafter referred to as “the property”; and

WHEREAS, due to the age of the property, it is no longer economically feasible to maintain it for City use; and

WHEREAS, the City of Eden desires to dispose of the property by public auction as authorized by North Carolina General Statute §160A-270; and

WHEREAS, pursuant to North Carolina General Statute §160A-270 (c), the City Council must authorize the use of the public electronic auction service and the means of publication; and

WHEREAS, the property will be sold at a public electronic auction to the highest bidder excepting any reserve placed on the property. The property will be listed at www.govdeals.com starting on December 2, 2019, and will be posted continuously until it is sold; and

WHEREAS, the City desires to publish this notice solely by electronic means via the City of Eden website; and

WHEREAS, Jason Barnard, Fleet Maintenance Superintendent, is an appropriate city official to dispose of the property by public auction.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Eden that the property listed above be disposed of by public auction, that the publication of this sale be solely by electronic means, and that Jason Barnard be authorized to dispose of the property by public auction.

APPROVED, ADOPTED AND EFFECTIVE this 19th day of November, 2019.

CITY OF EDEN

By: _____
Neville Hall, Mayor

ATTEST:

Deanna Hunt, City Clerk

Exhibit A

- 2008 Ford F450 W57 - 1FDXW47R08ED03833
- 2008 Ford F450 W58 - 1FDXW47R28ED03834
- 1992 Chevy Suburban FM21 - 1GNGK26N9NJ334561
- 1998 Ford F150 G62 - 1FTZF1729WNA63225
- 2007 Gravely 260Z FM41 - 001038
- 1996 Ford 655E Backhoe W42 - 031001184
- 2007 BS60-2I Wacker Tamp S159 - 5715233
- 1999 Wacker Tamp BS600 S122 - 5087639
- 2011 Gravely FM54 - 002605



To: Honorable Mayor and City Council

Thru: Terry Shelton, Interim City Manager

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

Date: November 19, 2019

Re: Budget Amendment # 2

The attached budget amendment allocates proceeds from a Governor's Crime Commission grant. The grant is for the purchase of weapons for the Police Department. This amendment increases the Police Grant and Police Safety Equipment line items. There was a budget amendment approved in FY 2018-2019 for this; however, the weapons and grant money were not received until FY 2019-2020.



MEMORANDUM

To: Honorable Mayor and City Council
Thru: Terry Shelton, Interim City Manager
From: Amy P. Winn
Assistant Director of Finance
Date: November 19, 2019
Subject: Budget Amendment # 2

	Account #	From	To	Amount
General Fund Revenues				
Police Grant - Governor's Crime Comm	10-3431-72000	\$ -	\$ 24,200.00	<u>\$ 24,200.00</u>
General Fund Expenditures				
Police Safety Equipment	10-4310-21300	\$ 30,000.00	\$ 54,200.00	<u>\$ 24,200.00</u>

Appropriates NC Governor's Crime Commission grant funds for the purchase of weapons.

Adopted and effective this 19th day of November, 2019.

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: November 19, 2019

Re: Budget Amendment # 3

The attached budget amendment allocates proceeds from a NC Community Foundation grant. The grant is for the signage for the Freedom Park Nature Trail. This amendment increases the NC Community Foundation Grant and Special Appropriations – Freedom Park Trail line items.



MEMORANDUM

To: Honorable Mayor and City Council
Thru: Terry Shelton, Interim City Manager
From: Amy P. Winn
Assistant Director of Finance
Date: November 19, 2019
Subject: Budget Amendment # #3

	Account #	From	To	Amount
General Fund Revenues				
NC Community Foundation Grant	10-3350-00960	\$ -	\$ 6,900.00	<u>\$ 6,900.00</u>
General Fund Expenditures				
Freedom Park Nature Trail	10-9920-69860	\$ -	\$ 6,900.00	<u>\$ 6,900.00</u>

Appropriates NC Community Foundation grant funds for signage for the Freedom Park Nature Trail.

Adopted and effective this 19th day of November, 2019.

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: November 19, 2019

Re: Budget Amendment # 4

The attached budget amendment allocates proceeds from a Duke Energy Foundation grant for an Eden Otter Habitat. This amendment increases the Duke Energy Foundation Grant and Special Appropriations – Eden Otter Habitat line items.



MEMORANDUM

To: Honorable Mayor and City Council
Thru: Terry Shelton, Interim City Manager
From: Amy P. Winn
Assistant Director of Finance
Date: November 19, 2019
Subject: Budget Amendment # 4

	Account #	From	To	Amount
General Fund Revenues				
Duke Energy Foundation Grant	10-3350-00970	\$ -	\$ 9,500.00	<u>\$ 9,500.00</u>
General Fund Expenditures				
Eden Otter Habitat	10-9920-69877	\$ -	\$ 9,500.00	<u>\$ 9,500.00</u>

Appropriates Duke Energy Foundation grant funds for the Eden Otter Habitat.

Adopted and effective this 19th day of November, 2019.

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: November 19, 2019

Re: Budget Amendment # 5

In the FY 2019-2020 budget, the fire training facility was budgeted in the General Fund. A capital project fund has been created to account for the revenues and expenditures for this project. The attached budget amendment transfers the already budgeted line items to the Capital Project Fund – Fire Training Facility.



MEMORANDUM

To: Honorable Mayor and City Council
Thru: Terry Shelton, Interim City Manager
From: Amy P. Winn
Assistant Director of Finance
Date: November 19, 2019
Subject: Budget Amendment # 5

	Account #	From	To	Amount
General Fund Revenues				
Loan Proceeds	10-3850-86000	\$ 1,468,200.00	\$ 1,001,800.00	<u>\$ (466,400.00)</u>
General Fund Expenditures				
Fire C/O Building Improvments	10-4340-54000	\$ 466,400.00	\$ -	<u>\$ (466,400.00)</u>
Capital Project Fund - Fire Training Facility Revenues				
Loan Proceeds	16-3850-86000	\$ -	\$ 466,400.00	<u>\$ 466,400.00</u>
Capital Project Fund - Fire Training Facility Expenditures				
Fire Training Facility	16-4340-54000	\$ -	\$ 466,400.00	<u>\$ 466,400.00</u>

To transfer fire training facility budget to the capital project fund.

Adopted and effective this 19th day of November, 2019.

Attest:

Deanna Hunt, City Clerk

Neville Hall, Mayor



MEMORANDUM

To: Honorable Mayor and City Council
Thru: Terry Shelton, Interim City Manager
From: Amy P. Winn, Assistant Director of Finance
Date: November 19, 2019
Subject: (2) 2019 Ford F250 Service Trucks - Financing for 5 years

In the 2019-2020 Budget, City Council approved the purchase of a service truck for the Facilities & Grounds department and it has been set up in the budget to be financed. This financing also includes the purchase of an additional truck for Public Works that was approved by the city manager in July 2019. On October 24, 2019 I requested bids from our local banks for the financing and received the following quote:

BB&T	2.38%
First National Bank	4.14%
United Financial (Home Trust)	2.19%

The total cost of the equipment is \$63,115 with annual payments of approximately \$13,464.31. I respectfully ask that Council approve United Financial (Home Trust) as the successful bid for financing.

If you have any additional questions, please do not hesitate to ask.



United Financial

A Division of HomeTrust Bank

876 Brevard Rd
Asheville, NC. 28806

10/28/19

Ms. Amy P. Winn
City of Eden, NC
308 East Stadium Drive
PO Box 70 - 27279
Eden, NC 27288

Re: Finance proposal for: *The acquisition of (2) 2019 Ford F250 4x4 pickup trucks.*

Dear Amy,

As per your request, we are enclosing under same cover our proposal for the above captioned transaction. There are no closing costs or origination fees related to the transaction and the rate is fixed for the duration of the financial commitment.

The interest rate for the entire five-year period is 2.19%. This rate assumes the finance transaction is tax-exempt and bank-qualified. The repayment schedule includes a concluding payment calculation of 102% of the outstanding principal balance through the loan period.

If you have any questions or need additional information please call. I would be happy to come to your next board meeting and discuss this transaction further with your board. Thank you for the opportunity to provide this proposal to you.

Very truly yours,

John M. Tench
Senior Vice President
Director of Municipal Finance

Ph. #/828-684-5643

Fax #/828-684-5616



United Financial

A Division of HomeTrust Bank

876 Brevard Road
Asheville, NC 28806

October 28, 2019

Ms. Amy P. Winn
Eden, NC City of
308 East Stadium Drive
PO Box 70 - 27279
Eden, NC 27288

Proposal for Acquisition & Finance of: (2) New 2019 Ford F-250 Pickup Trucks

Dear Amy,

As a follow-up to your recent request for a proposal regarding the above referenced transaction, United Financial is pleased to offer a finance proposal as follows:

LESSOR: United Financial, *A Division of HomeTrust Bank*

LESSEE: City of Eden, NC

COLLATERAL: Equipment as referenced above

AMOUNT: \$63,115.00

START DATE: Immediately upon funding

TERM: 5 Years

PAYMENTS: Lease payments will consist of five (5) annual payments of \$13,464.31 comprised of principal and interest.

EXPIRATION: Lease payment terms quoted herein shall be fixed and held for Lessee through 01/02/2020.

LEGAL TITLE: Legal Title to the Equipment during the Lease Term shall vest in the Lessee with Lessor perfecting a first security interest through Equipment Title, UCC, or other filing instruments as may be required by law.

NET LEASE: The Lease will be a net lease, under which all cost and responsibility of maintenance, insurance, taxes and other items of a similar nature shall be for the account of Lessee.

INSURANCE: Lessee shall provide evidence of insurance coverage at the time of delivery of the Equipment, in accordance with the provisions of the Lease.

Phone 828-684-5643

Fax 828-684-5616

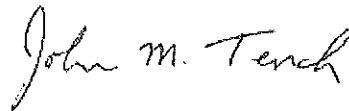
FINANCIALS: Lessee shall furnish Lessor with its last three, (3) fiscal years financial statements and its latest interim financial statements, plus such other pertinent information as Lessor may reasonably request.

APPROVAL: Closing of the transactions described herein and implementation hereof is expressly conditioned upon review and acceptance hereof by Lessor's Senior Loan Committee, receipt of properly executed documentation acceptable to Lessor, and the absence of any material adverse change in Lessee's financial condition prior to delivery and acceptance of the Equipment.

ACCEPTANCE: Lessee acknowledges that the terms and conditions of this proposal are satisfactory and that upon execution hereof by Lessee this proposal shall constitute a valid and binding obligation of Lessee. As further condition to Lessor's approval hereof, Lessee must acknowledge its acceptance of this proposal by signing below in the space provided and returning it to the Lessor by 12/15/2019.

If you determine that any of these finance structures meet the needs of your organization, please have the appropriate officer indicate the chosen option, place their signature at the bottom of this page, and return it to us via fax, email or US Postal Service. Upon receipt of the signed proposal, we will be in touch with you to make provision for documenting the finance. Thank you for the opportunity to submit this proposal letter for your review and approval. Should you have any question or comments regarding the terms and conditions, or if we can be of any further assistance to you, please do not hesitate to call.

Sincerely,



John M. Tench
Senior Vice President
Director of Municipal Finance

ACCEPTED BY: City of Eden, NC

SIGNATURE: _____

NAME: _____ **TITLE:** _____ **DATE:** _____

Repayment Schedule

	Payment	Interest	Principal
Loan			
1	13,464.31	1,382.22	12,082.09
2	13,464.31	1,117.62	12,346.69
3	13,464.31	847.23	12,617.08
4	13,464.31	570.91	12,893.40
5	13,464.31	288.57	13,175.74

Last interest amount increased by 0.02 due to rounding.