

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, September 20, 2016 at 6:00 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meeting were as follows:

Mayor:	Wayne Tuggle, Sr.
Council Members:	Bernie Moore
	Jim Burnette
	Angela Hampton
	Jerry Epps
	Darryl Carter
	Neville Hall
	Jerry Ellis
City Manager:	Brad Corcoran
City Clerk:	Sheralene Thompson
City Attorney:	Erin Gilley
Representatives from Departments:	
News Media:	Gerri Hunt, Eden News

MEETING CONVENED:

Mayor Tuggle called the regular meeting of the Eden City Council to order and welcomed those in attendance. He explained that the Council meets the third Tuesday of each month at 6:00 p.m. and works from a prepared agenda; however, time would be set aside for business not on the printed agenda.

INVOCATION:

Mr. Michael Brady, Pastor, Trinity Wesleyan Church, gave the invocation followed by the Pledge of Allegiance.

RECOGNITIONS:

- a. Eden Youth Council Oaths: Swearing in of Eden Youth Council

Mayor Tuggle asked Mayor Pro Tem Jim Burnette to come forward and then introduced the following new members of the Eden Youth Council: Megan Blankenship, Austin Panzer and Alaa Suleiman.

Each member present was then sworn in by Mayor Tuggle as a 2016-2017 member of the Eden Youth Council.

September 20, 2016

City of Eden, N. C.

Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

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PROCLAMATIONS:

b. Constitution Week.

Mayor Tuggle read the following proclamation in recognition of Constitution Week.

**PROCLAMATION**

**WHEREAS**, the Constitution of the United States, the guardian of our liberties, is a product of reflection and choice, embodying the principles of limited government in a Republic dedicated to rule by law, not by men; and

**WHEREAS**, September 17, 2016 marks the two hundred twenty ninth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

**WHEREAS**, it is fitting and proper to accord official recognition to this memorable anniversary, and to the patriotic exercises that will commemorate the occasion; and

**WHEREAS**, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States designating September 17 through 23 as Constitution Week,

**NOW, THEREFORE** I, Wayne R. Tuggle, Sr., as Mayor of the City of Eden do hereby proclaim the week of September 17 through 23 as

**CONSTITUTION WEEK**

And urge all citizens to study the Constitution, and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Eden to be affixed this 20<sup>th</sup> day of September of the year of our Lord two thousand and sixteen.

Signed,

Wayne R. Tuggle, Sr.  
Mayor

Attest:

Sheralene Thompson, City Clerk

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c. Law Enforcement and Emergency Services Appreciation Week:

Mayor Tuggle read the following proclamation in recognition of Law Enforcement and Emergency Services Appreciation Week.

Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

**PROCLAMATION  
LAW ENFORCEMENT AND EMERGENCY SERVICES WEEK  
FIRST WEEK OF OCTOBER, 2016**

**WHEREAS**, the Mayor and Eden City Council would like to show their appreciation to the dedicated Law Enforcement and Emergency Services personnel in the City of Eden and Rockingham County, all of whom bravely and selflessly risk their lives every day to provide protection, aid and to improve the quality of life and safety of Eden and Rockingham County citizens; and,

**WHEREAS**, Law Enforcement and Emergency Services put on their badges and go to work to protect the lives and property of Eden citizens and Rockingham County residents, thereby choosing to expose themselves to known and unknown dangers on a daily basis; and,

**WHEREAS**, Law Enforcement and Emergency Services are committed to training, skill enhancement and inter-agency coordination, which makes them vital members of our communities and county; and

**WHEREAS**, Law Enforcement and Emergency Services work tirelessly and selflessly for the residents of the City of Eden and Rockingham County, regardless of any personal peril and hazard, fulfilling their mission "To Protect and To Serve."

**NOW, THEREFORE**, in honor and appreciation of the invaluable service provided by Law Enforcement and Emergency Services in the City of Eden and Rockingham County, the Mayor and Eden City Council, resolves that the first week of October is "Law Enforcement and Emergency Services Appreciation Week" in the City of Eden and encourages its citizens to show their respect and gratitude for those who carry out the critical role of protecting and ensuring public safety for us all.

This the 20<sup>th</sup> day of September, 2016

By: Wayne R. Tuggle, Sr,  
Mayor

ATTEST:  
Sheralene S. Thompson  
City Clerk

**SET MEETING AGENDA:**

Mayor Tuggle stated that he would like for them to pull item 10a from New Business and add item 12g under Consent Agenda.

*Council Member Carter came into the meeting at 6:30 pm.*

A motion was made by Council Member Burnette seconded by Council Member Ellis to set the agenda. All Council Members voted in favor of this motion.

**PUBLIC HEARINGS:**

- a. 1. Consideration of a zoning text amendment request and adoption of ordinances to amend Section 11.22(q), General Provisions of the City of Eden Zoning Ordinance, to permit solar energy systems as an accessory use in all districts and to amend Section 11.26, Board of Adjustment of the City of Eden

Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

Zoning Ordinance, to allow solar as a principal use with a special use permit in Residential-Suburban, Industrial-1 and Industrial-2 zoning districts. Request submitted by the Planning Board. ZONING CASE Z-15-09

2. Consideration of a Resolution adopting a statement of consistency regarding the amendment of Section 11.22(q), General Provisions of the City of Eden Zoning Ordinance, to permit solar energy systems as an accessory use in all districts and the amendment of Section 11.26, Board of Adjustment of the City of Eden Zoning Ordinance, to allow solar as a principal use with a special use permit in Residential-Suburban, Industrial-1 and Industrial-2 zoning districts.

The City has received a zoning text amendment request filed by the Planning Board to amend Section 11.22(q), General Provisions of the City of Eden Zoning Ordinance, to permit solar energy systems as an accessory use in all districts and to amend Section 11.26, Board of Adjustment of the City of Eden Zoning Ordinance, to allow solar as a principal use with a special use permit in Residential-Suburban, Industrial-1 and Industrial-2.

The Planning and Inspections Department recommends approval of the text amendment requests. At their June 28, 2016 regular meeting, the Planning Board voted to recommend that the City Council approve this request and adopt a Resolution Adopting A Statement of Consistency Regarding the Proposed Amendments.

Mayor Tuggle called for a Public Hearing and asked Ms. Kelly Stultz, Director of Planning & Inspections to come forward.

Ms. Stultz explained that this amendment was initiated by the Planning Board. Renewable energy sources have become an important issue in today's climate and economy. One of the most viable options for renewable energy is solar power. Staff is of the opinion that provisions should be made in the Zoning Ordinance for solar uses in areas where practical.

Solar as an accessory use should be allowed in all districts so long as the conditions mentioned above are met. Solar as a principal use should only be permitted under certain conditions with a special use permit.

Staff is of the opinion that solar as a principal use should only be allowed in the Residential Suburban (RS), Industrial-1 (I-1) and Industrial-2 (I-2) districts with a special use permit, providing conditions in each district that would prevent the solar as a principal use from detracting from the subject district or the surrounding districts. Care must be given to address potential concerns specific to solar uses and to each district before the issuance of a special use permit.

Therefore, staff recommends that solar as accessory uses be allowed in all districts subject to the aforementioned standards and that solar uses a principal use be allowed as a special use in the RS, I-1 and I-2 districts, provided that the conditions as set forth can be met. Based upon the foregoing information, staff recommends in favor of the text amendment as amended.

Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

Mayor Tuggle stated that they were starting to get some requests for solar farms and asked if that was correct.

Ms. Stultz replied yes there were two firms who have called in the last few months and have asked how they would regulate and what they would propose and she would anticipate that they were likely to get an application at some point very soon.

Mayor Tuggle added they practically provide no jobs, and asked if that was correct.

She replied that was correct. The legislature has provided some economic benefits for cities and counties that permit them but job production was minimum.

Council Member Burnette stated that as an accessory use, she had the restrictions there on the height and all that but there no size restrictions.

She replied that she had not seen that in any other ordinance because they could only be so large, if they find that they do have a problem with that then she would be back.

He stated that he could just see someone putting them all the way around their house. He also asked for clarification, it must be used for consumption and the net should be taken off from the electricity provider, as an accessory, it is not to be just sold.

Ms. Stultz replied that was absolutely correct.

Council Member Burnette also stated that she said this was for all districts, which includes I-3.

Ms. Stultz replied that was as an accessory use. There would have to be a permitted I-3 use already approved by the City Council before such a thing could install and only as an accessory.

Council Member Burnette stated that on the principal use, everything including the site plan, location, noise and a decommissioning plan must be submitted and approved before anything else can be done to which she replied that was correct. He then asked her to explain the security bond.

Ms. Stultz explained they were required so that if the policy technology changed and someone were to go off and leave the city with a large farm that was abandoned, they would have the ability to remove it.

Council Member Burnette asked if that bond had to be in place and stay in place the entire life of the solar farm to which she replied that it did and that was a common practice among other communities in North Carolina.

Mayor Tuggle asked if anyone wanted to speak in favor or in opposition of this request. No one came forward to speak in favor or in opposition.

Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

Mayor Tuggle declared the public hearing closed and asked for a motion.

A motion was made by Council Member Burnette seconded by Council Member Hall to approve a zoning text amendment request and adoption of ordinances to amend Section 11.22(q), General Provisions of the City of Eden Zoning Ordinance, to permit solar energy systems as an accessory use in all districts and to amend Section 11.26, Board of Adjustment of the City of Eden and Zoning Ordinance, to allow solar as a principal use with a special use permit in Residential-Suburban, Industrial-1 and Industrial-2 zoning districts. Request submitted by the Planning Board. ZONING CASE Z-15-09 and to also approve and adopt a Resolution adopting a statement of consistency regarding the amendment of Section 11.22(q), General Provisions of the City of Eden Zoning Ordinance, to permit solar energy systems as an accessory use in all districts and the amendment of Section 11.26, Board of Adjustment of the City of Eden Zoning Ordinance, to allow solar as a principal use with a special use permit in Residential-Suburban, Industrial-1 and Industrial-2 zoning districts. All Council Members voted in favor of this motion.

**A RESOLUTION ADOPTING A  
STATEMENT OF CONSISTENCY REGARDING  
A PROPOSED AMENDMENT TO THE  
CITY OF EDEN ZONING ORDINANCE  
CASE NUMBER Z-15-09  
TEXT 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 initiated a request to permit solar energy systems as an accessory use in all districts and to create a special use process to allow Solar Farms as a principal use in the Residential Suburban, Industrial-1 and Industrial-2 Zoning Districts;

WHEREAS, On June 28, 2016, the City of Eden Planning Board voted to recommend changes to the Zoning Ordinance as follows:

To amend the Zoning Ordinance to permit solar energy systems as an accessory use in all districts and to create a special use process to allow Solar Farms as a principal use in the Residential-Suburban, Industrial-1 and Industrial-2 Zoning Districts.

STATEMENT OF NEED:

Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

The popularity of solar systems and solar as a principal use has grown significantly in the past few years as more and more people want to use solar energy for their homes and business and to use solar as a regional source of energy. Staff is of the opinion that solar as an accessory use should be allowed in all districts under specified conditions and that solar as a principal use should only be permitted under certain conditions set out in the special use provisions.

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 interest.

Approved and adopted and effective this 20th day of September, 2016.

CITY OF EDEN  
BY: Wayne R. Tuggle, Sr., Mayor

ATTEST:  
Sheralene Thompson, CMC  
City Clerk

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b.1. Consideration of a zoning map amendment request and adoption of an Ordinance to rezone property located at 202 Hairston Street from Residential-12 and Business Neighborhood to Business-Neighborhood. Request submitted by Janet L. Hampton, Property Owner’s Representative. ZONING CASE Z-16-01

2. Consideration of a Resolution adopting a statement of consistency regarding the rezoning of property located at 202 Hairston Street from Residential-12 and Business Neighborhood to Business-Neighborhood.

Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

The City has received a zoning map amendment request filed by Jane L. Hampton, Property Owner's Representative, to rezone property at 202 Hairston Street from Residential-12 and Business-Neighborhood to Business-Neighborhood.

The Planning and Inspections Department recommends approval of the map amendment request. At their June 28, 2016 regular meeting, the Planning Board voted to recommend that the City Council approve this request and adopt a Resolution Adopting A Statement of Consistency Regarding the Proposed Amendment.

Mayor Tuggle called for a Public Hearing and asked Ms. Stultz to come forward.

Ms. Stultz explained that the request is to rezone approximately 2.22 acres from Residential-12 and Business Neighborhood to Business Neighborhood. The R-12 residential district is established as a district in which the principal use of the land is for single-family residences. The regulations of this district are intended to discourage any use which because of its character would substantially interfere with the development of single-family residences of the district and which would be detrimental to the quiet residential nature of the areas included in the district. The Business Neighborhood district is established as a district in which the principal use of land is for commercial and service uses to service the surrounding residential districts. (This district is for concentrated business development on sites less than four (4) acres. Concentrated business development on sites over four (4) acres shall be permitted only in the Business Shopping Center district.)

The subject parcel is located in an area characterized by single-family residential uses on medium sized parcels. There has been no development pressure in the area. The subject parcel is split-zoned R-12 and BN. To the north across Georgia Avenue is R-12 property containing a single-family residence; to the east the subject parcel adjoins an R-12 parcel containing a single family residence, and a BN property containing a vacant commercial building; to the south across Knott Street is R-12 property containing single-family residences; and to the west across Hairston Street is R-12 property containing single-family residences and a church.

The subject property contains a 1917 school building which has been used for various uses through the years, including a church, but it is currently vacant. The BN zoning district allows for limited low-impact commercial and service uses which are designed to serve the surrounding residential areas and which would have no detrimental effect on the residential area. The school building on the property was designated as a Local Historic Landmark in 2006. The property is split-zoned R-12 and BN, with the BN portion of the property adjoining property currently zoned BN. Staff is of the opinion that the uses allowed in the BN district would not be detrimental to the surrounding residential neighborhood, and may be good adaptive reuses of the historic structure. This could also be beneficial to the neighborhood, since the property could be better utilized rather than sitting vacant. Based on the residential character of the neighborhood and the limited uses allowed in the Business Neighborhood district, staff is of the opinion that rezoning the entire property to BN would be appropriate. Therefore, staff recommends in favor of the rezoning request.



Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

Mayor Tuggle asked the City Council if they had any questions.

Council Member Burnette stated that she said this would allow something like a neighborhood grocery store, it is something that does fit in the neighborhood and was not a neighborhood pub.

Ms. Stultz replied that was exactly right. This was established as a district in which the principal use of land is for commercial and service uses to service the surrounding residential districts. It is for small sites, less than 4 acres. It was not going to allow a shopping center to go down there.

Council Member Burnette stated that it had water but no sewer. He asked how they would address that.

Ms. Stultz explained that if they have an existing tank that they get approved to function they can continue to use it or there is sewer in the neighborhood so it would be available to them.

Council Member Burnette asked would they not be required to use the public sewer.

Ms. Stultz replied that they do have policies regarding that.

Ms. Erin Gilley, City Attorney, added that it depended upon the distance of the sewer line.

Council Member Ellis stated that she mentioned it was historical to which Ms. Stultz explained that it was a local landmark. He asked if it had been recognized.

Ms. Stultz replied that it had been designated by the Preservation Commission and the City Council some time ago.

Council Member Hampton asked if she was sure alcohol or anything like that would be allowed.

Ms. Stultz explained that it would have to go through all the normal steps that something like that would begin. They do allow recreation uses but the building is small and she had never seen such a thing in Business Neighborhood.

Mayor Tuggle asked if anyone wanted to speak in favor or in opposition of this request.

Mr. Nelson Hairston, 911 Georgia Avenue, came forward to find out exactly what the person plans to use this building for and he did not see them present. They had a club in that same building some time ago and it gave a lot of trouble. He was concerned about him and his wife sitting on the front porch and also concerned with their police department if it turns out to be a nightclub. They have little enough officers as it is now and for them to have to go into a nightclub to break up some kind of disturbance, they did not know if

Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

they will come out alive or picked up dead. He wanted to know for sure the intent for that building. If you zoned it as requested, they did not have to do what they are doing.

Ms. Stultz explained that they have told them they plan to have some type of community center for local youth, however anytime they do a map amendment they have to consider whether it was appropriate for every use that was allowed in Business-Neighborhood because it was not conditional use zoning and they could not hold them to what they tell them.

Mr. Hairston stated that bothered him.

Mayor Tuggle agreed and added that to be consistent you have to treat everybody the same, no matter what it was.

Council Member Ellis asked how many years ago the building was a pub to which Mr. Hairston replied that it was maybe five years or longer. Council Member Ellis asked if there was not a church near there also.

Mr. Hairston replied that there was. He explained that he was afraid of the people saying one thing and then get into the building and doing another.

Mayor Tuggle stated that the law was pretty clear that they could not make any distinction on what somebody uses the building for. If it is in the ordinance and it is permitted there then the City Council could not say they could not put this there and they actually could not even ask what they were going to put there.

Ms. Stultz added that when there was a conditional use permit or some other type of zoning they could, but in this instance they could not.

Council Member Ellis stated that with it being a historical site, would that make a difference to which Ms. Stultz replied no, if they did not maintain the building and keep the outside of it as it is now, then it would lose the landmark status and the owner would have to pay five years back taxes on it. She explained that landmark status reduces the property tax.

Council Member Epps stated that he was in favor of denying the request.

Council Member Burnette asked if Mr. Hairston had seen the list of permitted uses to which Ms. Stultz replied that he had.

Mr. Hairston added that if the property owners had been present so that he could talk to them, he would feel more comfortable about it.

Mayor Tuggle pointed out that they could always table the request and Council Member Ellis agreed.

Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

Council Member Hall asked if there was a proposed use not allowed in R-12 he assumed to which Ms. Stultz replied no. She explained that the biggest issue that she had with it was that part of the lot was zoned Business-Neighborhood and part is not, and they really did try hard not to do that. She explained that the City Council had many options, they could approve it, deny it, table it, deny it and direct her to go back and take a look and see if there was something they could do differently.

Mayor Tuggle stated that he thought they just needed to make sure they were not arbitrary in doing this because if you do it for one you do it for the next one, certainly tabling for a period of time until Mr. Hairston was satisfied and felt comfortable it was the right person, even if the owners chose to even say that, and they did not have to. That might be a better option.

Ms. Stultz suggested that if they wanted to bring it back in so many days and the staff would write to the people and tell them that the city would ask that they attend the meeting but she did not think they could table it until Mr. Hairston was satisfied.

Council Member Ellis asked if the owners were present when they met with the Planning Board to which Ms. Stultz replied they were not.

Mayor Tuggle stated that he was not saying whether Mr. Hairston was satisfied, he meant that the Council has to be satisfied. He understood that but it did not hurt to have an idea of what was going on, if they were willing to say that but they did not have to say it.

Council Member Ellis asked if they were citizens of Eden.

Ms. Stultz replied that the person who owned the building lived in New York City. She is from Eden and has owned it for some time. Her name is Alice Hampton.

Ms. Debra Madison, Planning Coordinator/Legal Assistant, added that the person who filled out the application was her niece.

Council Member Ellis asked if she was a resident to which she replied that she lived on Sharp Street.

Mayor Tuggle stated that if this was denied, when it could be brought up again to which she replied one year or they could ask for something different and then it could be brought back.

Ms. Gilley pointed out that there was no requirement that the applicant be present and Ms. Stultz explained that it was because the City Council was making a general decision about this individual property.

Mr. Hairston commented that he had seen Janet Hampton about three weeks ago and he had a letter concerning this. He told Ms. Hampton that he would support her as long as she

Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

would assure him that she would do the right thing and they would talk about it at the council meeting. He had expected her to be here and he had told her that.

Ms. Stultz explained that the thought the concern was the “private recreation” and they did have some special use permit process for those kinds of things in residential areas however the City Council could not impose one, they have to apply.

Mayor Tuggle stated that his concerns were about drugs, violence, all the things associated with one more thing in a neighborhood that you do not need. You are always leery of those type of things no matter where it was located.

Ms. Stultz stated that they could not completely zone them out.

Mr. Clarence Taylor, 573 Glovenia Street, Chief Deacon at New Life Holy Ministry, explained that the Bishop, Willie Stromas, of New Life Holy Ministry, called him from his wife’s bedside and asked him to come to let them know that he was concerned about what would impact their youth ministry and overall safety of retired people. They were against anything that would hinder the church activities so they were very concerned.

Mayor Tuggle asked if anyone else would like to come forward to speak.

Council Member Hall stated that he had some concern about denying it immediately as obviously they have some people who were interested in developing it and proposing it as a positive thing for the community and whatever reason they were not there to explain it to them or the neighbors he did not know. He did not see what tabling it could give them a chance to explain it as to what they want to do.

Ms. Stultz explained that they could come in and say there were going to have a church ministry and then three weeks later sell it to somebody that would do one of the other uses that was allowed in this district.

Council Member Hall stated that she said that if it was denied they would have to wait a year or they could come in with a different request. Was this the only zoning that would allow what they are proposing to do, as he would think they could come with another request.

Ms. Stultz replied that the other thing, and they have not done it very often, but the Council has the ability to down zone something. The Council at some point could decide to make it all Residential 12 and take Business-Neighborhood completely off.

Council Member Burnette stated that from what he was understanding was there really was no guarantee if this was rezoned that something different could not be done, even though they might satisfy the City Council as well as the neighborhood they could still do something different. Which was true with any zoning case.

Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

Ms. Stultz agreed but it was anything except Special Use permits. There was a Special Use permit process for recreation type use if they wanted to do that they could come in and ask for that and at that point they needed to have the whole thing R-12.

Mayor Tuggle agreed that anybody could come in and say they wanted to do this and this and get it rezoned and as long as it says you can do it, you can change your mind and do something later.

Ms. Stultz replied they had seen that happen.

Council Member Burnette asked if she had any suggestions.

Ms. Stultz recommended that if the City Council felt that strongly about it that they do not want to approve it, they would have staff contact them and tell them they denied it and why and if they should decide to petition and have it all Residential-12 they would consider that and if they apply for a special use permit to do it that way then they would put in a condition that there was no alcohol.

Mayor Tuggle asked how long it would be before they could apply for a special permit and if it was still a year.

Ms. Stultz replied no, as this was a different permit and she would also ask for permission to not make them pay again if they come back and want to do something different.

He then declared the public hearing closed.

A motion was made by Council Member Epps seconded by Council Member Ellis to deny the motion. All Council Members voted in favor of this motion.

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c. 1. Consideration of a zoning map amendment request and adoption of an Ordinance to rezone property located at 14020 NC 87 from Business-General to Residential-12. Request submitted by Danny Wade, with Oakwood Homes, Property Owner's Representative. The request was amended by the Planning Board to include an additional parcel. ZONING CASE Z-16-02.

2. Consideration of a Resolution adopting a statement of consistency regarding the rezoning of property located at 14020 NC 87 and the additional parcel which joins this property on the north from Business-General to Residential-12.

The City has received a zoning map amendment request filed by Danny Wade, Oakwood Homes, Property Owner's Representative, to rezone property at 14020 NC 87 from Business General to Residential 12.

The Planning and Inspections Department recommends approval of the map amendment request as amended to include a small triangular parcel adjoining the subject property on the north.

Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

At their August 23, 2016, regular meeting, the Planning Board voted to recommend that the City Council approve this request as amended to include the additional parcel and adopt a Resolution Adopting A Statement of Consistency Regarding the Proposed Amendment. The additional parcel is to be rezoned from Business-General to Residential-12.

Mayor Tuggle called for a Public Hearing and asked Ms. Stultz to come forward.

Ms. Stultz explained that the request is to rezone approximately 8.8 acres from Business General to Residential-12. The BG Business 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. Because these commercial areas are subject to public view and are important to the economy of the area, they shall have ample parking, controlled traffic movement, and suitable landscaping. The R-12 residential district is established as a district in which the principal use of the land is for single-family residences. The regulations of this district are intended to discourage any use which because of its character would substantially interfere with the development of single-family residences of the district and which would be detrimental to the quiet residential nature of the areas included in the district.

The subject parcel is located in a rural residential area with agricultural land and primarily single family homes located on medium to large sized lots. There has been no business development pressure in the area. The subject property contains a farmhouse and outbuildings on a large parcel of land. The front of the property contains the house and outbuildings and the majority (rear) portion of the property is primarily wooded and undeveloped. Adjacent to the property on the south is the former Tri-City Agricultural Fairgrounds, which is zoned BG. Adjacent to the north are several parcels of property zoned RS, R-12 and BG, which contain residential dwellings and agricultural land. A small triangular parcel (PIN #7060-0887-1757) adjacent to the subject property is also zoned BG. This parcel is undeveloped. Staff is of the opinion that it would make sense to also rezone this parcel to R-12, as the adjoining properties are also zoned R-12. Therefore staff recommends that the request be amended to include this parcel in the request.

**A RESOLUTION ADOPTING A  
STATEMENT OF CONSISTENCY REGARDING  
A PROPOSED AMENDMENT TO THE  
CITY OF EDEN ZONING ORDINANCE  
CASE NUMBER Z-16-02  
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;

Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

**WHEREAS**, the City of Eden Planning Board received a request to rezone property at 14020 NC 87 from Business General to Residential-12;

**WHEREAS**, On August 23, 2016, the City of Eden Planning Board voted to recommend changes to the Zoning Ordinance as follows:

To amend the zoning map request to rezone property at 14020 NC 87 and an adjoining parcel (PIN # 7060-0887-1757) from Business General to Residential-12;

**STATEMENT OF NEED:**

Staff is of the opinion that this request would be appropriate for the subject property because of the character of the area, the lack of business development pressure in the area and there are other Residential – 12 properties adjoining the subject properties. However, staff is of the opinion that the triangular parcel (PIN 7060-08-87-1757) adjacent to the subject property is also zoned Business – General and should be rezoned to Residential – 12. Therefore, staff recommends that the request be amended to include the adjoining parcel zoned Business – General.

**STATEMENT OF CONSISTENCY:**

The goals of the 2007 City of Eden Land Development Plan 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, 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 zoning map amendment, as amended to include the small triangular parcel, 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 amendments to the Zoning Ordinance are reasonable and in the public interest.

Approved and adopted and effective this 20th day of September, 2016

CITY OF EDEN  
BY: Wayne R. Tuggle, Sr., Mayor

ATTEST:

Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

Sheralene Thompson, CMC  
City Clerk

Mayor Tuggle asked if there were any questions.

Council Member Burnette asked if the 2 structures there now were residential, correct to which Ms. Stultz replied that it was. He then questioned the sewer and stated that they did not have sewer available to them.

Ms. Stultz replied that it was outside the city limits and the city also did not have sewer available to them.

Council Member Burnette asked if this did allow modular homes to which Ms. Stultz replied yes, but you could have a modular home anywhere, it was manufactured that you can only have in some places. He asked if this would allow or not allow manufactured homes to which Ms. Stultz replied that it would not.

Mayor Tuggle asked if there was anyone who would like to speak in favor or in opposition of this request.

Mr. Danny Wade, 1811 Price Road, stated that they did have a permit from the county for a septic tank and it had perked for a septic system.

Ms. Stultz added that they could not issue a building permit without that.

As no one else came forward to speak, Mayor Tuggle declared the public hearing closed.

A motion was made by Council Member Epps seconded by Council Member Carter to approve this request and adoption of an Ordinance to rezone property located at 14020 NC 87 from Business-General to Residential-12. Request submitted by Danny Wade, with Oakwood Homes, Property Owner's Representative. The request was amended by the Planning Board to include an additional parcel. ZONING CASE Z-16-02 and also to approve and adopt Resolution adopting a statement of consistency regarding the rezoning of property located at 14020 NC 87 and the additional parcel which joins this property on the north from Business-General to Residential-12. All Council Members voted in favor of this motion.

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d. Consideration of an amendment and adoption of an Ordinance to amend Chapter 6, Article II of the Eden City Code by adding Section 6-39.1 dealing with chronic violators of public nuisance or overgrown vegetation ordinance. CITY CODE AMENDMENT CASE CCA-16-01



Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

Due to recent legislation that was passed in the North Carolina General Assembly, the Planning Board initiated a text amendment that Chapter 6, Article II of the Eden City Code be amended by adding a provision dealing with chronic violators of public nuisance and overgrown vegetation.

The Planning and Inspections Department recommends approval of the amendment request. At their August 23, 2016 regular meeting, the Planning Board voted to recommend that the City Council approve this amendment to the Eden City Code.

Mayor Tuggle called for a Public Hearing and asked Ms. Stultz to come forward.

Ms. Stultz explained that the Planning and Inspections Department routinely receives complaints from citizens about various types of nuisances, such as high grass and junk. Year after year, there are numerous chronic violators and repeat offenders who are often cited several times in a calendar year, and whose property the city must mow or clean up several times per year. The North Carolina General Statutes has been amended to allow municipalities to deal with these properties in a timelier manner, without having to start the process over with each complaint, provided they meet the standards as set forth in the General Statutes. This will save the city time and money as far as the notification process, and allow the city to be more proactive in abating these violations.

Based upon the foregoing information, staff recommends in favor of the text amendment

Council Member Moore asked offenders did they have to notify.

Ms. Madison stated that she had 33 properties that she had already given them notices twice. It was like they have some people that they only mow when we send them a notice.

Mayor Tuggle stated that was a problem if you live next door to people who will not take care of their property. He stated that it was an ongoing problem and they needed to do as much as they could to make them do what they need to do.

Council Member Ellis stated that she had said they send the letters out and then they also send the letters out to the same people the following year.

Ms. Stultz explained that they have habitually in violation. The way it works now, a complaint comes in, someone from their staff goes out to check it.

Council Member Ellis stated so it was time away from their staff to which Ms. Stultz explained that they would still have to go out and investigate it to see if it is in violation but at that point they could go ahead and check and if they have had three violation notices in the year before in the recent past, for instance in 2017 if they got 3 in 2016, they would be notified but the city would immediately go in and abate the problem.

Ms. Madison added that they would get one notice that they have high grass and then the next time that the grass gets over 12 inches and then the next time the staff would just come out and mow it.

Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

Council Member Ellis asked if they could cut that back to 8.

Ms. Stultz replied that they could but they would have to hold a public hearing.

Council Member Ellis stated that it was a really big problem and they had to continually contact people about cutting their grass.

Ms. Madison stated that she had sent out over 800 pieces of mail because they get a certified letter and a first class letter. She had sent out over 400 certified letters about either high grass, junk or housing code violations.

Council Member Ellis pointed out that was another problem, junk on the side of the streets.

Ms. Stultz explained that the amount of money spent on repeated certified mail or there were some people who they end up having to get the Sheriff's Department serve and that costs \$30.

Mayor Tuggle suggested that they see how this works and if it did not work the way they wanted it to then they could come back and ask them to amend it again.

Ms. Stultz explained that she could not make it more stringent than the Statute allowed because this language was straight out of the General Statutes.

Council Member Ellis asked how much the property owner was charged after the city had it cut.

Ms. Stultz replied that they were charged a \$50 administrative fee and then whatever it costs the city, including the time on the equipment.

Council Member Ellis asked what the minimum would be to which she replied she did not know if there was a way for her to answer his question. They had an administrative fee, and then added to that was the cost of the use of their staff.

Council Member Ellis stressed that it was time for them to take their city and make it look right, the way it should look. We talk about beauty and the situation this town needs to be in and you ride through our town now and we have piles of trash laying on the side of the road where people will move and there are couches, refrigerators and things setting outside that the city is paying for. Residents in this town are getting really upset about the on the sides of the street. He suggested that if it was a rental property of some sort then maybe the rental property owner, if there was a big problem there, then they need to pay for it.

Ms. Stultz agreed and that was who they send the notices to. She explained that if it was a rental house and Council Member Hall owned it then she would be sending the notice to Mr. Hall.

Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

Council Member Hall pointed out that unfortunately, for the stuff on the side of the road, a lot of times it was left there because the tenant vacated and did not even pay the rent so now not only did he lose him as rental income now he had to pay the city to clean up his mess.

Ms. Stultz stated that in her opinion however owning rental property was a business of sorts and that was a business expense.

Mayor Tuggle asked if anyone wanted to speak in favor or in opposition of this request. As no one came forward to speak, he then declared the public hearing closed.

A motion was made by Council Member Hall seconded by Council Member Hampton to amend and adopt an Ordinance to amend Chapter 6, Article II of the Eden City Code by adding Section 6-39.1 dealing with chronic violators of public nuisance or overgrown vegetation ordinance. All Council Members voted in favor of this motion.

REQUESTS AND PETITIONS OF CITIZENS:

*No one came forward to speak at this time.*

UNFINISHED BUSINESS:

*No Unfinished Business at this time.*

NEW BUSINESS:

- a. Consideration and approval of Cook Block Streetscape contract. (Documents to be provided after the bid opening on September 21, 2016.)

*This item was pulled from the agenda.*

- b. 2016 Board and Commission Appointment (Tree Board).

The following seat on the Tree Board is vacant and remains to be filled. When making appointments, please consider whether these persons have the time or the ability (for whatever reason) to attend regular meetings and participate in the activities of the board or commission.

Tree Board

Vacant Ward 2 – Councilman Burnette

A motion was made by Council Member Hampton seconded by Council Member Ellis to appoint the nomination of Jimmy Ivy, 505 S. Hamilton Street, appointed by Council Member Burnette to Tree Board. All Council Members voted in favor of this motion.

Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

- c. Request to Adopt an Ordinance for the Demolition of a Structure at 622 Washington Street under the City of Eden Non-Residential Building Maintenance Standards.

Ms. Stultz explained that about six years ago they began to get questions about this particular building and that it was at risk. They got a structural engineer out there then and what they had feared came to pass as a portion of the building collapsed. As they are familiar with Washington Street, all of the buildings in the traditional downtown areas have a party wall so when something happens to one building, it would create problems for the others.

They have discussed this particular building at numerous City Council Retreats and she still believed that it was the most in need of attention. At this point she was very concerned about this particular building remaining in the state that it was in and it going through another winter of expanding, contracting, snow and ice.

They have engaged a structural engineer who has made some recommendations and in order to demo the building they were looking at about \$35,000, shoring and stabilization is between \$40,000 and \$55,000. This was to protect the adjoining buildings. A portion of one of those buildings has fallen as well.

Last Friday, the owners Mr. & Mrs. Enrique Mendoza, had engaged Mr. Brian Freeman to come in and speak with them and he has submitted some simple initial drawings in order for them to rehabilitate the building.

Mayor Tuggle asked why it had not been rehabilitated before now, until it gets to the point where it is nothing but a façade and this is one of many buildings that is ready to fall down and cause serious damage as well as hurt people.

Ms. Stultz replied that was a question she did not have an answer to but she would tell him that it needs immediate attention. Yesterday, Mr. Freeman came in and he told her he was going to talk to his client and she expected to hear from him today and did not. She added that she did not ask for this kind of money lightly, but this was serious and dangerous. She explained that the condition of the bricks in this building were such that you could take a pocket knife and stick it right in the bricks and mortar. There was a lot of work that needed to be done and if they were going to leave those walls standing some fairly expensive treatments would have to be done and maintained on those walls so that further damage to the adjacent buildings did not occur.

Council Member Epps asked what she proposed.

Ms. Stultz explained that the City Council should go ahead and approve to have the building demolished.

Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

Council Member Burnette asked if she meant demolished and stabilized to which she replied absolutely, you could not do one without the other. He questioned Mr. Freeman's take on this.

Ms. Stultz explained that of course he was responsible to his client, and he had some concerns about the things that were shown in the report.

Council Member Burnette clarified that they had an engineer do that report to which she replied yes.

Council Member Ellis questioned Mr. Freeman's title to which Ms. Stultz replied she was not sure about his credentials and Ms. Madison added that he worked for Morgan Mechanical and he was either an engineer or an architect.

Council Member Carter asked what the recourse on this was.

Ms. Stultz replied that unfortunately they would have to go to the property owner with the bills and so far they have spent \$4,000 on an engineer. There was no way they could make a recommendation without going to a professional to determine the state of the structure and what would need to be done.

Mayor Tuggle pointed out that they deal with this over and over again. These buildings are so old and deteriorated and they really need to get on with business on some of these things to which Ms. Stultz agreed.

Council Member Epps added that they needed to treat everyone the same.

Mayor Tuggle agreed and stated that they have seen that there have been so many property owners pass it off and give it to somebody else and it just stays there and deteriorates, falls all to pieces and it was time for the city to start doing something about it.

Ms. Stultz noted that the current owner received the building in this condition.

Mayor Tuggle asked if the owners would like to come up front and talk to them and tell them why the building was in such bad shape and been this long and what they were going to do about it.

Mr. Henry Ramirez, 326 S. High Street, explained that Mr. Mendoza bought the building. He stated that the back of the building was damaged. That was what they were trying to fix and why they got an engineer to look at it, so they could repair the back of the building so it will not fall down. If you go in there and stick a knife in the wall, that wall was still good. The only wall that was damaged was outside of the building. There was nothing between those buildings, so that wall could be torn down. They also spent \$2500 to pay somebody to see how they could make it work. Then they were told to come here because they were going to tear down the building. So now they lose the money for people who helped them to see what they could do to fix it. They will lose the money they paid for and

Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

they bought a lot of materials because they were trying to open a little business. Now they will lose everything.

Mayor Tuggle asked how long Mr. Mendoza had owned the building to which he said the last two years. He asked why it had not been repaired by now and now it has gotten to this point.

Ms. Stultz commented that they bought it in November of 2012.

Mr. Ramirez explained that they were trying to save their money and now they have the money to start working on the building. That is why they asked him to help. He told them to hire somebody who could help save the building so they have been working the last three or four weeks trying to do something about it. He understood about the brick wall, it was definitely damaged but the brick wall did not touch the other side and if they tear it down it is not a problem. Then the building would be safe.

Ms. Stultz explained that the problem was securing the other 2 buildings when that was done. There was going to be a lot of expense in making sure that when the work gets done, and it would need to be done by a licensed contractor.

Mayor Tuggle agreed and if they take this part down they may take another building down with it.

Ms. Stultz stated that they would have to be careful and that was why the city has invested the money they have already.

Mr. Ramirez stated that was the point, the other two buildings were not the same even to their building so the walls were sticking out this way. So that brick wall was right there in the middle and he did not know if that wall belonged to the next one or to the Mendoza's. So the brick wall could be torn down and not damage any other building. They had also been thinking about tearing down the brick wall and repairing the whole back of the building.

Mayor Tuggle stated that they would really have to be careful not to destabilize anything they deal with as far as whether it was someone else's wall or not.

Ms. Stultz explained that Mr. Ramirez did come into the office and Mr. Vincent, Building Inspector, told him that if they adhere to an engineer's plans for that, the city could not issue them a permit for it and they could not do the work.

Mayor Tuggle clarified that they did not have a permit to do the work to which Ms. Stultz replied that was correct.

Mr. Ramirez explained that was why he and Mr. Brian and then they had a friend who was trying to see how they could help. He understood what Ms. Stultz was saying about the wall being damaged but the wall either belongs to them or the other building because that

Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

building was damaged too. He did not think it was fair to tear down their building and the other one stays.

Mayor Tuggle pointed out that whether he thought it was fair or not and whether it was someone else's building, if you take this one down it destabilizes somebody else's building and somebody's got to pay for it. The way that it always happens is that the City Council ends up paying for it.

Ms. Stultz explained that these buildings have real party walls. That means there was one wall between the buildings. They have a plethora of pictures inside and out. It was serious and had been collapsed for 4 years.

Mr. Ramirez stressed that they were trying to save money so that they could repair the building.

Mayor Tuggle stated that they could definitely understand that but the fact is that the building was in horrible shape, it had been in horrible shape and they have been dealing with this for years. There comes a point regardless of what kind of money anybody has or whether they are trying to save money they are talking about safety here and taking care of business whatever that may be.

Council Member Epps asked how much they paid for the building to which Ms. Stultz replied \$2,000. Council Member Epps stated that it would be better for them to pull out now before they got too deep.

Mr. Ramirez replied that now was the time to give them a chance to work on the building and fix it.

Council Member Burnette pointed out that number one, they did not have a permit so how can they do the work, they say they are trying to save money and from what he understood from Ms. Stultz it would cost \$75,000 to demolish this building and to stabilize it. If they did not have the money where would they find \$75,000 he asked.

Mr. Ramirez stated that they were not making that kind of numbers.

Council Member Burnette explained that was an engineer's estimate.

Mr. Ramirez stated that the person who was helping them said that it would be about \$30,000 to \$35,000.

Mayor Tuggle explained that the city had an engineer look at it they were talking about \$70,000 to \$80,000 to get this thing stabilized and fixed. If you were trying to save a few thousand dollars here and there that will not get the building fixed. Mayor Tuggle then recognized Mr. Mike Dougherty, Business Development Director.

Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

Mr. Dougherty explained that the owner (Mr. Mendoza) was offered the same money they had purchased the building for and they rejected that. The problem he had was that the Gallagher's who bought property two buildings down were worried about the condition of their building and the Sign Shop and Stitch in Time were right next to it and he was concerned there as well. He stated that honestly you could get a building on Washington Street for a third of the cost and it was intact. He questioned why you would want to spend this kind of money when you could get one that had all the walls up. He would be more than happy to work with them to find a building. He had received so much grief about this and he was concerned.

Mayor Tuggle asked why Mr. Freeman was not present to support what he was saying.

Mr. Ramirez explained that he had told him that Ms. Stultz told him there was nothing for him to do. Mr. Freeman told him he was sorry but she had said you could do nothing about it.

Ms. Stultz explained that she did not tell Mr. Freeman that nothing could be done to it. She told him that she was absolutely not going to take this off the agenda the City Council decided it should come off.

Council Member Epps advised that they take their money and let that one go and buy another one that was ready to move in and they would be in business.

Ms. Stultz stated that she understood that Mrs. Mendoza wanted to open an alteration shop and that has been their plan for some time. As Mr. Dougherty said the staff would be glad to help them find a place to do that.

Mrs. Lucy Mendoza explained that she would not buy another building because they prices are expensive. She did not have \$60,000 to pay for a building. That was why she bought this one for \$2000. If her husband or somebody could fix it her plan was to build an alteration shop. She explained that she had to wait because she worked every day and she saved the money to fix the building. Right now she had \$25,000 and she did not come to the city for permission because no one sent her information and only last week did she receive papers for demolition. Then Mr. Vincent told her to give him the key to open for the engineer to check. She asked him why he needed a key for her building and he said that the engineer needed to check because she had not done anything. She said that the engineer said that they may be needed to check the ceiling for leaks....

Mayor Tuggle stated that they wanted her to have a business downtown and the best thing to do would be to work with Mr. Dougherty to try to find them a place that was already stable and in shape and it probably would not be in a situation where they would be wasting their money. They have been dealing with this for years and there was an estimate of \$75,000 to fix it.

Ms. Stultz asked Mr. Ramirez if he had a contractor's license.



Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

Mr. Ramirez replied that he was trying to get the contractors. He knew the people who were licensed.

Mayor Tuggle asked what the next move would be. They would certainly like to help them as much as they could but they do have a duty to follow through.

Ms. Stultz replied that she had thought about this at length and if the City Council wanted to give them some time she recommended that within the next 30 days they have to submit plans, get them approved, apply for permits and begin work. In 30 more days if there was not substantial work being done, they would go ahead with the demolition.

Mayor Tuggle asked if that was something they could comply with.

Mr. Ramirez indicated that they could.

Ms. Stultz explained that if they did not then she would still be forced to go back and recommend it be demolished. Then they will be sent a bill for the demolition.

Council Member Ellis asked them if they would rather use their \$25,000 to go into a building because the amount of money they are talking about to fix their building and for it to be really safe, would it not be better to talk with Mr. Dougherty.

Council Member Hall commented that he sort of had an issue with them trying to persuade them in their private business dealings. His concern was the safety of the building and if they wanted to spend \$90,000 and fix it he had rather them do that than the city spending \$90,000 to tear it down. He agreed he did not foresee it as a good investment and that was not his decision to make. He thought it had been vacant a long time and finally something was happening, although they were skeptical but once the numbers were presented and obviously it would have to be done by a licensed, insured contractor. He was not sure he would do that if it was his property but he thought they should have that option. So if they give them a deadline, things were starting to happen that had not been happening in 4 years.

Mayor Tuggle explained that what they were saying was there was some concern that they did not want them to throw their money away and do something that may not work. Then they have wasted all their money into something that once a deadline was put on it there would be no second deadline. There was a bunch of money they saved up that would be wasted.

A motion was made by Council Member Epps seconded by Council Member Hampton to allow 30 days for permits and the second 30 days have some type of action in place and after 60 days if nothing had been done it would be on the November City Council agenda. All Council Members voted in favor of this motion.

Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

REPORTS FROM STAFF:

*No Reports were scheduled.*

CONSENT AGENDA:

- a. Consideration and Approval of Minutes for August 16, 2016.
- b. Consideration and Approval of Animal Capture Fee.

Effective September 1, 2016, our animal shelter located at Eden Veterinary Hospital closed. This closure was an unforeseen event. Our contract with Eden Veterinary Hospital was all inclusive, except for the boarding of redeemed animals. Animal Control services for the City are now run through the Rockingham County Animal Shelter. The Rockingham County Animal Shelter charges \$65.00 for each animal we deliver to the shelter. The Rockingham County Animal Shelter charges \$12.00 per day for boarding, which is payable directly to the county. Currently, the City of Eden Animal Control fee schedule includes a \$10.00 capture fee and \$25.00 impoundment fee.

It is the recommendation of staff that we raise our capture fee to \$65.00 and eliminate the impoundment fee for individuals who redeem their animals at the county shelter. The City will only recoup the same amount of money as charged by the Rockingham County Animal Shelter and only from individuals redeeming their animals. The City already has a \$65.00 disposition fee for Eden citizens who wish to turn over their animal to our animal control, which we must now transport to the Rockingham County Animal Shelter.

In conclusion, staff feels that raising our capture fee and eliminating our impoundment fee is best considering our “pay as you use” fee schedule with the Rockingham County Animal Shelter.

- c. Approval and Adoption of Resolution Approving the Travel Policy Adopted by the Local ABC Board.

**RESOLUTION**

**WHEREAS**, the City of Eden is the appointing 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 20<sup>th</sup> day of September, 2016.

**CITY OF EDEN**

By: Wayne R. Tuggle, Sr.,  
Mayor

Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

ATTEST:  
Sheralene S. Thompson  
City Clerk

d. Consideration and Approval of Job Description – Water & Sewer Construction Projects Manager.

Due to the upcoming work related to the EPA Administrative Order (\$33+ million) and the extension of water lines for the Industrial Mega Park along the Berry Hill Road (\$17+ million) I have decided to adjust some job responsibilities and am reassigning two individuals to different positions. Mark Bullins will continue to serve as our official (ORC) Operator Responsible Charge but will be moving from his position as C&D Superintendent to this new position that is entitled Water and Sewer Construction Projects Manager. In this position he will have a variety of responsibilities (job description – included separately) including the management of water and sewer construction projects related to the EPA Administrative Order as well as the upcoming Industrial Mega Park Waterline Extension. He will be working very closely with Terry Shelton, Bev O'Dell, Darryl Tilley, engineering firms, contractors, myself and others.

Darryl Tilley will be moving from his position as Chief Systems Operator to the C&D Superintendent position. The Chief Systems Operator position will be eliminated. Approval of the job description will be placed on the September 20<sup>th</sup> consent agenda for your review and consideration.

e. Approval and Adoption of Resolution Declaring Intention to Apply for Available Funding in Grants and Loans for up to \$33,175,960 for EPA AO Compliance Projects.

**RESOLUTION BY THE CITY COUNCIL OF THE CITY OF EDEN**

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction and planning of improvements of wastewater and drinking water systems, and

WHEREAS, The **City of Eden** has need for and intends to complete various wastewater system improvement projects in order to comply with US EPA Administrative Order CWA-04-2012-4578. These projects are collectively identified by the following groups: RD Inflow/Infiltration Reduction; Pump Station Rehabilitation/Replacement; Pipe Replacement/Rehabilitation; and, WWTP Facility Improvements, and

WHEREAS, The **City of Eden** intends to request state grant/loan assistance for the projects,

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

That **City of Eden**, the **Applicant**, will arrange financing for all remaining costs of the projects including required matching funds, if approved for a State grant award.

That the **Applicant** will adopt and place into effect on or before completion of the projects a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the **Applicant** will provide for efficient operation and maintenance of the projects on completion of construction thereof.

That **S. Brad Corcoran, City Manager**, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the

Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

State of North Carolina for a grant/loan to aid in the completion of the construction projects described above.

That the **Wayne R. Tuggle, Sr., Mayor**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the projects; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 20 day of September, 2016 at Eden, North Carolina.

Wayne R. Tuggle, Sr.  
Mayor

- f. Approval and Adoption of Resolution – Requesting Loan Assistance for Drinking Water System Project.

**Resolution of Governing Body of the City of Eden  
September 20, 2016**

WHEREAS, The Federal Safe Drinking Water Act Amendments of 1996 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water system improvements, and

WHEREAS, The **City of Eden** has need for and intends to construct a drinking water system project described as approximately 4 miles of 24” waterline to be installed from the Freedom Tank to near the City limits. This expanded infrastructure project will then increase to a 30” line for approximately 5,300 LF replacing two existing 12” lines. The installation of this waterline will improve reliability and provide redundancy of water distribution in the western residential areas of the city, as well as convey necessary water for industrial growth. The proposed waterline will be looped back into the city to enhance the operation of the existing system. and,

WHEREAS, The City of Eden intends to request state loan assistance for the project.

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

That the **City of Eden**, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Eden to make scheduled repayment of the loan, to withhold from the City of Eden any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That **S. Brad Corcoran, City Manager**, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan to aid in the construction of the project described above.

That the **Wayne R. Tuggle, Sr. Mayor** and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this 20th day of September, 2016 at the City of Eden, North Carolina.

Wayne Tuggle  
Mayor

- g. Approval and Adoption of Resolution – Requesting Loan Assistance for Drinking Water System Project.

**Resolution of Governing Body of the City of Eden  
September 20, 2016**

WHEREAS, The Federal Safe Drinking Water Act Amendments of 1996 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water system improvements, and

WHEREAS, The City of Eden has need for and intends to construct a drinking water system project described as approximately 2.8 miles of 30” waterline to be installed from near the City limits to the Virginia state line. This expansion of the City of Eden water distribution system will provide access to two industrial customers locating in the Berry Hill Regional Mega Park as well as convey necessary water for future industrial growth both in the Mega Park and Rockingham County. The proposed waterline will provide an interconnection with the City of Danville and the Henry County PSA to insure redundancy and resiliency for the transmission/distribution system of the City, and,

WHEREAS, The City of Eden intends to request state loan assistance for the project.

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

That the City of Eden, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

Minutes of the regular September 20, 2016 meeting of the City Council, City of Eden:

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Eden to make scheduled repayment of the loan, to withhold from the City of Eden any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That S. Brad Corcoran, City Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan to aid in the construction of the project described above.

That the **Wayne R. Tuggle, Sr. Mayor** and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this 20th day of September, 2016 at the City of Eden, North Carolina.

Wayne Tuggle  
Mayor

A motion was made by Unanimous Consent to approve the Consent Agenda. All Council Members voted in favor of this motion.

ANNOUNCEMENTS:

ADJOURNMENT:

A motion was made by unanimous consent to adjourn. All Council Members voted in favor of this motion. This motion carried.

Respectfully submitted,

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Sheralene S. Thompson,  
CMC, MMC, NCCMC  
City Clerk

ATTEST:

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Wayne R. Tuggle, Sr., Mayor