

CITY OF EDEN, N.C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, October 20, 2020 at 6 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meeting were as follows:

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

MEETING CONVENED:

Mayor Hall called the regular meeting of the Eden City Council to order and welcomed those in attendance. Pastor Lem Hardison of North Spray Christian Church gave an invocation followed by the Pledge of Allegiance led by Economic Development Director Mike Dougherty.

Mayor Hall acknowledged the recent passing of two City of Eden employees and a moment of silence was held in observance of Clarence Terry and George Gill.

PROCLAMATIONS AND PRESENTATIONS:

- a. Presentation: Recruitment appreciation.

Mayor Hall called on Mr. Dougherty.

Mr. Dougherty said that on September 30, Nestle Purina formally announced their first N.C. manufacturing facility in Eden that would create 300 jobs and invest \$450 million, the largest investment in the history of Rockingham County. The announcement concluded a rigorous six-month process of working the project and many people deserved thanks for their efforts to bring the company to Eden and Rockingham County. Mr. Dougherty recognized those who contributed to the achievement, thanking members of the City's staff: City Manager Jon Mendenhall, former Interim City Manager Terry Shelton, City Attorney Erin Gilley, Planning and Inspections Director Kelly Stultz, Chief Codes Inspector Bob Vincent, Director of Engineering Bev O'Dell, Water and Sewer Construction Projects Manager Mark Bullins, Wastewater Superintendent Melinda Ward, Municipal Services Director Paul Dishmon, and Facilities and Maintenance Department employees Jimmy Dillon and Joey Massey. He also thanked Coordinator of Special Events and Tourism Cindy Adams, Assistant Director of Finance Amy Winn, Assistant Director of Human Resources Teri Sentiff, City Clerk Deanna Hunt and Administrative Assistant Blair Barker, all of whom contributed to a celebratory event following the announcement.

Mr. Dougherty recognized other individuals and organizations who also contributed to the recruitment. He began by stating that N.C. Senate Pro Tem Phil Berger could not be present and would be recognized at a later date. He presented Chris Coleman of the Draper Volunteer Fire Department with a plaque of appreciation and thanked him and the department's board for being an important part of the project. He stated that when a company committed to investing as much as Nestle Purina did, they desired to have their investment protected. Thus, the Draper Volunteer Fire Department had agreed to an innovative revenue sharing agreement with the City to provide fire protection coverage to Nestle Purina.

Mr. Dougherty recognized Rockingham County Chair of the Board of Commissioners Mark Richardson and Commissioner Reece Pyrtle, along with Existing Industry Manager Kerry Taylor and Director of Economic Development and Tourism Leigh Cockram. He stated that the local incentive package offered to Nestle Purina was critical to the success of the project and he thanked both the Rockingham County Board of Commissioners, Mayor Hall, and the Eden City Council for their contribution to the project. He identified Ms. Taylor and Ms. Cockram as two vitally important people from Rockingham County Economic Development. Ms. Taylor had been working behind the scenes in Rockingham County economic development for over 20 years. She created and managed the local incentive agreements for all new or expanding Rockingham County companies. She also processed the building reuse grants that were such a beneficial contribution to the projects. He viewed Ms. Taylor as the brains behind the operation and stated that no matter how busy Ms. Taylor was, she was always available to help and answer any questions from the cities and towns across the county. She had worked for at least five economic development directors as well as a multitude of County Commissioners. Ms. Cockram made an impression on Martinsville/Henry County's economic development by establishing the four-county Southern Virginia Regional Alliance before coming to Rockingham County in 2019. Since that time, she had overseen five successful projects, two of which had been in Eden with more coming. While the Nestle Purina project was a group effort, Ms. Cockram was the forefront of the negotiation processes. With this project and others, she had proven herself to be a relentless advocate for Rockingham County. More importantly, Ms. Cockram was quickly being recognized as not just one of the best economic developers in N.C., but one of the best in the business. Mr. Dougherty stated it had been a pleasure partnering with Ms. Taylor and Ms. Cockram.

Mr. Dougherty acknowledged Drew Lucas and the members of 770 Ventures. He stated that Mr. Lucas was the Senior Project Manager with One Environmental Group and was formerly the Environmental and Utilities Engineer with MillerCoors. He had been invaluable to the City with client tours prior to and throughout the Nestle Purina project and was equally invaluable to 770 Ventures and the new owners. After purchasing the MillerCoors site in early 2019, David Couch, Chris Dunbar and David Griffin of 770 Ventures promised to bring jobs back to Eden and Rockingham County, which was a very expensive promise as the carrying costs of the MillerCoors facility were substantial. They could have sold it quickly to a company that may not have brought jobs with them, but by waiting, they fulfilled their promise to the City on September 30, of which the City was extremely grateful. D.H. Griffin, being part of the 770 Ventures ownership, was a key to the project transpiring and Mr. Dougherty believed the deal would not have happened without the company being part of it, especially considering the significant amount of demolition that was required to transform the facility from a former brewery to a modern pet food manufacturing plant. Unfortunately, Deven Griffin Murrall was not able to attend the meeting, but Mr. Dougherty spoke of his appreciation of her accessibility to clients touring the facility during the last year and a half, as well as with Nestle Purina.

Mayor Hall expressed his appreciation for the effort that everyone made to bring the Nestle Purina project to fruition. He was confident it would not have happened without Mr. Dougherty who had worked hard on the project and deserved recognition for placing Eden as a consideration for the project's location. He presented Mr. Dougherty with a plaque, which was followed by a standing ovation by all in attendance.

#### SET MEETING AGENDA:

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

#### PUBLIC HEARINGS:

- a. Consideration of an amendment to the City Code to repeal the existing Chapter 18, Zoning, and adopt the proposed Chapter 18, Unified Development Ordinance. Z-20-05.

Mayor Hall declared the public hearing open and called on Ms. Stultz.

Ms. Stultz said it was serendipitous that the General Assembly decided to change all of the planning statutes at the same time Eden was going to need more sophisticated development regulations than what was currently in place. With new industries coming and the downtown areas starting to thrive, she had received more residential subdivision inquiries in the last two months than she had in the last decade. The City was seeing adaptive reuse of properties around the community, such as the Central Hotel, Nantucket Mill and the Eden Mall, all of which were changing and becoming

useful to the City again. Chapter 160D required an extensive amount of change to the City’s land use regulations and Ms. Stultz stated that right now was the best time to make those changes in the City’s development regulations so that the City would be ready to accept what was good for Eden and to make sure what did come was viable for Eden. The City had worked for a number of months to prepare a Unified Development Ordinance (UDO) that combined all of the ordinances related to the Planning Department into one ordinance. Her department received a lot of phone calls from outside developers who said the City’s current ordinances worried them because there were so many things they expected to find on their own without having to ask. The City, as a community, was ready for a UDO that would allow them to be open for things that were good and also able to manage the things that were not. If the UDO were to be approved, there would be training for Council in December in regards to the things that would be changing for them. One change would entail the Board of Adjustment no longer hearing special use permits because they would be heard by City Council. The difficulty related to hearing quasi-judicial hearings was that Council would only hear evidence instead of reasoning factors. In addition, more things would be approved at the staff level, excluding Council from seeing plats as they currently did. If an owner did not like a decision made at the staff level, they could appeal to the City Council or the Board of Adjustment. The process would make the City more streamlined and able to provide needed answers in a timely manner.

Council Member Hampton asked if they would be able to add to the UDO if it was approved.

Ms. Stultz replied that the UDO was meant to be a living document as the land use regulations were not static, but were meant to change as the community standards changed. She felt certain there would be things that needed to be changed after the first few months following adoption. She pointed out the packet that was given to Council prior to the meeting were things staff had found in the last few weeks that needed to be changed. She gave an example of a change that was made for Nestle Purina in regards to an item that was left out of the new proposed ordinance that had previously worked well in the old ordinance.

As there was no further discussion, Mayor Hall declared the public hearing closed.

A motion was made by Council Member Ellis to approve an amendment to the City Code to repeal the existing Chapter 18, Zoning, and adopt the proposed Chapter 18, Unified Development Ordinance, and a resolution adopting a statement of consistency. Council Member Hampton seconded the motion. All members voted in favor of the motion. The motion carried.

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF EDEN

BE IT ORDAINED BY THE CITY COUNCIL of the City of Eden, North Carolina, that, 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, effective January 1, 2021, the existing Chapter 18, Zoning, of the Eden City Code is hereby repealed and the proposed Chapter 18, Unified Development Ordinance is adopted.

APPROVED AND ADOPTED, this 20th day of October, 2020.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, CMC, City Clerk

A RESOLUTION ADOPTING A STATEMENT OF CONSISTENCY REGARDING  
A PROPOSED AMENDMENT TO THE CITY OF EDEN ZONING ORDINANCE CASE NUMBER Z-20-05  
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 new Chapter 160D of the North Carolina General Statutes consolidates current city and county enabling statutes for development regulations (formerly in Chapters 153A and 160A) into a single, unified chapter. These changes require that the City of

Eden Land Use Regulations be amended to conform with the legislative changes; and

WHEREAS, the City Council of the City of Eden initiated an action to convert the City of Eden Land Use Regulations to a Unified Development Ordinance (UDO) and conform to the changes in NCGS Chapter 160D.

WHEREAS, On September 22, 2020, the City of Eden Planning Board voted to recommend to the City Council that the Unified Development Ordinance be approved.

STATEMENT OF NEED:

The City of Eden Zoning Ordinance was adopted in 1993 and has been amended over 100 times. The use of a UDO rather than a Zoning Ordinance is widely accepted as a more usable document. With the changes required by the consolidation and amendments of Chapters 153A and 160A to Chapter 160D, it is an appropriate time to convert the City's Zoning Ordinance to a UDO.

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, 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 20th day of October, 2020.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, CMC, City Clerk

- b. Consideration of an amendment to the City Code to amend Chapter 2, Administration, as follows: rename Article III to City Council Committees; repeal Division 3, Planning Board; renumber Division 4, Administrative Staff, to Division 3, Administrative Staff; repeal Division 5, Board of Adjustment; repeal Division 6, Historic Preservation Commission; repeal Division 7, Community Appearance Commission; repeal Division 8, Tree Board; and renumber Division 9, Strategic Planning Commission to Division 4, Strategic Planning Commission.

Mayor Hall declared the public hearing open (for items b-e) and called on Ms. Stultz.

Ms. Stultz stated by adopting the new regulations that would be effective January 1, 2021, Council needed to: amend Chapter 2, Administration, as follows: rename Article III to City Council Committees; repeal Division 3, Planning Board; renumber Division 4, Administrative Staff, to Division 3, Administrative Staff; repeal Division 5, Board of Adjustment; repeal Division 6, Historic Preservation Commission; repeal Division 7, Community Appearance Commission; repeal Division 8, Tree Board; and renumber Division 9, Strategic Planning Commission to Division 4, Strategic Planning

Commission. Council also needed to repeal Chapter 4, Building Regulation and Code Enforcement; repeal Chapter 6, Health, Sanitation and Nuisances, Article II, Nuisances; and repeal Chapter 13, Streets, Sidewalks and Other Public Places, Section 13.52, Street name signs so that they would all be effective until December 31, ceasing to exist on January 1, 2021.

As there was no further discussion, Mayor Hall declared the public hearing closed.

A motion was made by Council Member Ellis to approve an amendment to the City Code to amend Chapter 2, Administration, as follows: rename Article III to City Council Committees; repeal Division 3, Planning Board; renumber Division 4, Administrative Staff, to Division 3, Administrative Staff; repeal Division 5, Board of Adjustment; repeal Division 6, Historic Preservation Commission; repeal Division 7, Community Appearance Commission; repeal Division 8, Tree Board; and renumber Division 9, Strategic Planning Commission to Division 4, Strategic Planning Commission, including the consistency statement. Council Member Moore seconded the motion. All members voted in favor of the motion. The motion carried.

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF EDEN

BE IT ORDAINED BY THE CITY COUNCIL of the City of Eden, North Carolina, that, 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, effective January 1, 2021, Chapter 2, Administration, Article III, is amended as follows:

- (1) Rename Article III to City Council Committees;
- (2) Repeal Division 3, Planning Board;
- (3) Renumber Division 4, Administrative Staff, to Division 3, Administrative Staff;
- (4) Repeal Division 5, Board of Adjustment;
- (5) Repeal Division 6, Historic Preservation Commission;
- (6) Repeal Division 7, Community Appearance Commission;
- (7) Repeal Division 8, Tree Board; and
- (8) Renumber Division 9, Strategic Planning Commission to Division 4, Strategic Planning Commission.

Effective January 1, 2021, Chapter 2, Administration Article III, City Council Committees of the Eden City Code shall read as follows:

**ARTICLE III: CITY COUNCIL COMMITTEES**

Section

***Division 1 Generally***

2-56 City Council Committees

***Division 2 City Council***

2-61 General powers and duties

***Division 3 Administrative Staff***

2-70 Support Staff

***Division 4 Strategic Planning Commission***

- 2-75 Created
- 2-76 Membership and vacancies
- 2-77 Absence and attendance
- 2-78 Rules of conduct for members
- 2-79 Organization, rules, meetings and records
- 2-80 General powers and duties

- 2-81 Basic studies
- 2-82 Annual report, budget request, receipt and expenditure of funds
- 2-83 Special committees
- 2-84 Reserved

***DIVISION 1 GENERALLY***

**§ 2-56 CITY COUNCIL COMMITTEES.**

Committees appointed by the Eden City Council noted herein are designated and assigned responsibilities under this article.

***DIVISION 2 CITY COUNCIL***

**§ 2-61 GENERAL POWERS AND DUTIES.**

The City Council, as the governing body of the city, appropriates funds; approves acquisition, construction, and disposition of public facilities; and oversees the administration of the city. Under the authority of the Charter of the City of Eden and the North Carolina General Statutes relating to general ordinance making power, may appoint committees to serve the interests of the citizens of the City of Eden and provide recommendations to the City Council.

***Statutory reference:***

*Municipal authority, see G.S. § 160A-174*

***DIVISION 3 ADMINISTRATIVE STAFF***

**§ 2-70 SUPPORT STAFF.**

The City Manager, or his or her designee, shall provide staff support to the City Council Committees.

***DIVISION 4 STRATEGIC PLANNING COMMISSION***

**§ 2-75. CREATED.**

The City of Eden Strategic Planning Commission is hereby created pursuant to Chapter 160A- 174 of the N.C. Gen. Statutes and the provisions of this ordinance.

**§ 2-76. MEMBERSHIP AND VACANCIES.**

The Strategic Planning Commission shall consist of 12 members. Members shall be citizens and residents of the City of Eden, its ETJ, local business owners or shall be persons with expertise deemed to be appropriate for inclusion on the Commission. The members shall be appointed for terms of three years, with the exception of the initial members. Four (4) of the initial members shall be appointed for a term of one (1) year; four (4) for two (2) years; and four (4) for three (3) years. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term. Members may be re-appointed. The Strategic Planning Commission shall make recommendations to the City Council for members either to fill unexpired terms or new members.

**§ 2-77. ABSENCE AND ATTENDANCE.**

It shall be the duty of all Strategic Planning Commission members to inform the administrative assistant of the board of any anticipated absence and notification shall be immediately after receipt of the agenda. A member who misses three (3) consecutive regular meetings loses his status as a member of the Commission until reappointed or replaced by the governing body of his respective unit after the receipt of a recommendation from the Strategic Planning Commission.

**§ 2-78. RULES OF CONDUCT FOR MEMBERS.**

Members of the Strategic Planning Commission may be removed for cause by the City Council, including violation of the rules stated below.

(A) Faithful attendance at all Commission meetings and conscientious performance of the duties required of Commission members shall be considered a prerequisite of continuing membership on the Commission.

(B) Each member of the Commission shall be familiar with all statutes, laws, ordinances and rules of procedure relating to the

Commission as time and circumstances permit.

(C) It shall be the duty of every Commission member to avoid even the appearance of conflict of interest. Therefore, no member shall vote on, discuss, debate, advocate, influence, or otherwise participate before the Commission in any matter that would substantially affect, directly or indirectly, his or her personal financial interests or the financial interests of a member of his household. This prohibition includes formal or informal consideration of the matter by the Commission, whether conducted in public or private. This provision does not prohibit participation in advisory decisions that will have a similar effect on all citizens of the Eden planning area or in which the financial interest is so insignificant or remote that it is unlikely to affect the member's official action in any way. In applying this rule, the following procedure shall govern:

(1) A member who has a conflict of interest shall disqualify himself and withdraw from participation in the matter. The member shall not sit with the Commission during the consideration and discussion of that matter.

(2) Withdrawal from participation in any matter is necessary only in those specific cases in which a conflict arises. There shall be no attempt to exclude entire categories of consideration because of the business or profession with which a member is associated.

(3) Any Commission member may seek an opinion from the City Attorney as to the applicability of this section to a particular decision or set of facts. The response to such a request shall be made to the member making the request, and a copy shall be provided to the chairman of the Commission. By majority vote, the Commission may seek the opinion of the City Attorney as to the applicability of this section to a particular decision or set of facts.

(4) If an opinion is received from the City Attorney that a member has an impermissible conflict of interest pursuant to a particular decision or set of facts and the member does not disqualify himself or herself, the commission may, by majority vote (not considering the vote of the member with the alleged conflict) disqualify that member from all participation in the matter involved.

(D) Members of the Commission shall not commit themselves on any question scheduled to be considered by the Commission prior to the consideration of the matter at a duly authorized meeting. Members shall use discretion in discussing with individuals scheduled agenda items which are later to be voted on by the Commission.

#### **§ 2-79. ORGANIZATION, RULES, MEETINGS AND RECORDS.**

The Strategic Planning Commission shall elect a chair and create and fill such offices as it may determine. The term of the chair and other officers shall be one (1) year, with eligibility for reelection. The Planning and Inspections Director or his designated appointee shall act as the administrative assistant to the Commission, and subject to the direction of the chair, shall be responsible for taking minutes of all meetings, conducting all correspondence of the Commission, supervising all clerical work of the Commission, maintaining a file of all studies, plans, reports, recommendations and actions of the Commission, as well as, providing other technical and professional assistance to the Commission. The administrative assistant shall not be eligible to vote on any matter. The Commission shall adopt rules for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings and recommendations, which shall be a public record. The Strategic Planning Commission shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with its duties. All meetings shall be open to the public. A majority of the members, excluding vacant positions, shall constitute a quorum.

#### **§ 2-80. GENERAL POWERS AND DUTIES.**

It shall be the duty of the Strategic Planning Commission, in general:

(A) To acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions;

(B) To identify needs and problems growing out of those needs;

(C) To prepare and, from time to time, amend and revise a strategic and coordinated plan for the physical, social, and economic development of the area;

(D) To prepare and recommend to the City Council projects, ordinances, initiatives and programs along lines indicated in the Strategic Plan and advise it concerning these issues;

(E) To keep the City Council and the general public informed and advised as to these matters;

(F) To monitor the progress and success of the Strategic Plan and to inform the City Council and the Citizens of the City of Eden Planning Jurisdiction; and

(G) To perform any other duties that may lawfully be assigned to it.

**§ 2-81. BASIC STUDIES.**

As background for its Strategic Plan and any ordinances it may prepare, the Strategic Planning Commission may gather maps and aerial photographs of physical features of the area; statistics on past trends and present conditions with respect to population, property values, the economic base of the area, and land use; and such other information as is important or likely to be important in determining the amount, direction, and kind of development to be expected in the area and its various parts.

In addition, the Strategic Planning Commission may make, cause to be made, or obtain special studies on the location, the condition, and the adequacy of public facilities.

All city officials shall, upon request, furnish to the Strategic Planning Commission such available records or information as it may require in its work. The Commission or its agents may, in the performance of its official duties, enter upon lands and make examinations of surveys and maintain necessary monuments thereon.

**§ 2-82. ANNUAL REPORT, BUDGET REPORT, BUDGET REQUEST, RECEIPT AND EXPENDITURE OF FUNDS.**

The Strategic Planning Commission shall, in February of each year, submit in writing to the City Council a report of its activities, an analysis of its expenditures to date for the current fiscal year, and its requested budget of funds needed for operation during the ensuing fiscal year. All accounts and funds of the Strategic Planning Commission shall be administered substantially in accordance with the requirements of the Local Government Fiscal Control Act all as shown in Article 3, Chapter 159, Section 7 of the N.C. General Statutes.

The Strategic Planning Commission is authorized to receive contributions from private agencies, organizations and individuals, in addition to any funds that may be appropriated for its use by the City Council. It may accept and disburse such contributions for special purposes or projects, subject to any specified conditions that it deems acceptable, whether or not such projects are included in the approved budget.

**§ 2-83. SPECIAL COMMITTEES.**

The Strategic Planning Commission may from time to time establish special committees to assist it in studying specific questions and problems. The membership of such committees shall not be limited to commission members. The Commission shall not delegate to any such committee its official powers and duties.

**§ 2-84. RESERVED.**

APPROVED AND ADOPTED, this 20th day of October, 2020.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, CMC, City Clerk

c. Consideration of an amendment to the City Code to repeal Chapter 4, Building Regulation and Code Enforcement.

A motion was made by Council Member Ellis to approve an amendment to the City Code to repeal Chapter 4, Building Regulation and Code Enforcement, including the consistency statement. Council Member Hampton seconded the motion. All members voted in favor of the motion. The motion carried.

d. Consideration of an amendment to the City Code to repeal Chapter 6, Health, Sanitation and Nuisances, Article II, Nuisances.

A motion was made by Council Member Hampton to approve an amendment to the City Code to repeal Chapter 6, Health, Sanitation and Nuisances, Article II, Nuisances, including the consistency statement. Council Member Ellis seconded the motion. All members voted in favor of the motion. The motion carried.

e. Consideration of an amendment to the City Code to repeal Chapter 13, Streets, Sidewalks and Other Public Places, Section 13.52, Street name signs.



A motion was made by Council Member Moore to approve an amendment to the City Code to repeal Chapter 13, Streets, Sidewalks and Other Public Places, Section 13.52, Street name signs, including the consistency statement. Council Member Epps seconded the motion. All members voted in favor of the motion. The motion carried.

Ms. Stultz advised Council that the packet they were given at the meeting included an entire series of maps, one of which was an existing zoning map along with what City staff proposed. Planning and Inspections Coordinator Debra Madison made maps of each individual zoning district, considering several zoning districts were eliminated in what Council had just adopted. The maps would be voted on at the November Council meeting.

Mayor Hall pointed out the maps included in the packet were the same maps previously on display to the public.

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, 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, effective January 1, 2021, the Eden City Code is amended as follows:

- (1) Chapter 4, Building Regulation and Code Enforcement is repealed.
- (2) Article II, Nuisances, under Chapter 6, Health, Sanitation and Nuisances, is repealed.
- (3) Section 13.52, Street name signs under Chapter 13, Streets, Sidewalks and Other Public Places is repealed.

APPROVED AND ADOPTED, this 20th day of October, 2020.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, CMC, City Clerk

REQUESTS AND PETITIONS OF CITIZENS:

*There were none at this time.*

UNFINISHED BUSINESS:

- a. Consideration of the certificate of sufficiency and adoption of a resolution calling for a public hearing on the annexation petition of property located at 106 Fireman Club Road.

Mayor Hall called on Ms. Stultz.

Ms. Stultz said the Planning Department received a request for the annexation of 106 Fireman Club Road and as a result, were asked to investigate the sufficiency of the petition. It was deemed to be sufficient based on the information provided to the City Clerk. She requested Council call a public hearing at the November City Council meeting.

A motion was made by Council Member Epps to approve the certificate of sufficiency and adopt a resolution calling for a public hearing on the annexation petition of property located at 106 Fireman Club Road. Council Member Carter seconded the motion. All members voted in favor of the motion. The motion carried.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO  
G.S. 160A-58.2

WHEREAS, Petitions requesting annexation of the contiguous areas described herein have been received; and

WHEREAS, the Eden City Council has by resolution directed the City Clerk to investigate the sufficiency of the Petitions at their meeting on September 15, 2020; and

WHEREAS, certification by the City Clerk of the City of Eden as to the sufficiency of the Petitions has been made;

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

Section 1. A public hearing on the question of annexation of the contiguous areas described herein will be held in the Eden City Hall in the City Council Chamber at 6:00 P.M. on November 17, 2020.

Section 2. The areas proposed for annexation are described as follows:

Tract 1: BEGINNING at a point in the center line of the old Leaksville-Madison County Road, now abandoned and obliterated, same being the northwest corner of the tract of land deeded to John & Sam, Incorporated, by B.W. Walker and John Dyer and runs thence South 34 deg. 46 min. East 40.34 feet with the John & Sam, Incorporated, line to the center line of the newly constructed road, or street; thence South 56 deg. 58 min. West with the center line of the said new street, 280.8 feet to an iron driven in the center line of said street; thence North 56 deg. 35 min. East 54.84 feet and North 46 deg. 54' East 228 feet, both with the old Madison Road to the POINT OF BEGINNING, and is a triangular shaped parcel of a land and is a part of the 3.26 acres tract of land deeded by Walker & Dyer to Smith River Water, Incorporated, and contains 0.12 acres of land, less 1/2 of the street area of 0.07 acres, leaving a total of 0.05 acres of land, more or less.

Tract 2: BEGINNING at an iron pipe driven in the center line of the old Leaksville- Madison Road and being a corner of George D. Robertson tracts and runs thence South 71 deg. 18 min. West 104.94 feet to an iron; South 52 deg. 21 min. West 59.7 feet to an iron; and South 46 deg. 54 min. West 293.9 feet to an iron; and South 56 deg. 35 min. West 54.84 feet to an iron, each with the center line of the old Leaksville- Madison County Road, now abandoned, and obliterated; thence a new line, North 30 deg. 47 min. West passing through an iron at 25 feet, a total length of 604.7 feet to a Spanish oak tree marked "fore and aft"; thence North 7 deg. 48 min. East 170 feet to the run of a branch; thence down the run of the said branch as it meanders South 60 deg. East 55 feet; North 35 feet; South 80 deg. East 140 feet; North 20 deg. East 50 feet; North 56 deg. East 130 feet; and South 84 deg. 5 min. East 232.3 feet to a point opposite a small oak on the south bank of said branch, corner with George D. Robertson; thence South 18 deg. 2 min. East 490.8 feet with Robertson line to the POINT OF BEGINNING, and contains 7.825 acres of land less 1/2 of the street area abutting of 0.03 acres, leaving a total of 7.795 acres, more or less, and is a part of Tract #1 of the Sutenfield Farm.

Tract 3: BEGINNING at an iron pipe, original corner between Sam and Fred Swiney, now the Southeast corner of Robertson's tract, and runs thence North 29 deg. 29 min. West 316.4 feet with Robertson's line, originally Fred Swiney, to an iron in the center of the old Madison-Leaksville Road; thence South 71 deg. 18 min. West 30.54 feet to a point in the Southern line of a new 30 foot street and continuing South 71 deg. 18 min. West 74.4 feet and South 52 deg. 21 min. West 59.7 feet to an iron, and South 46 deg. 54 min. West 65.9 feet to a point, all with the center of the old Madison-Leaksville Road; thence South 34 deg. 46 min. East 468 feet, a new line with Smith River Water, Inc., to a point in the Western line of the above referenced Highway No.770; thence North 20 deg. 36 min. East 96.8 feet to an iron and North 20 deg. 19 min. East 103.18 feet to a point in the Southern line of a new 30 foot street and continuing North 20 deg. 19 min. East 39.27 feet to the POINT OF BEGINNING, and contains 1.66 acres, more or less, excluding said 30 foot street from area, and is a part of tracts purchased by the grantors from E.M. Swiney on May 1, 1948, and recorded in Book 388, page 107, and all of tract purchased from Sam Swiney on November 12, 1948, and recorded in Book 389, page 369, and through a part of this tract of land runs the transmission line of the Duke Power company and references made to their right of way. Also, all right, title, and interest that grantor may have in a 30 ft. street, contiguous to this property, shown on the map of Walker & Dyer property (near Matrimony Creek) made by J.S. Trogdon, C.E., for John & Sam, Inc."

Section 3. Notice of the public hearing shall be published in the Rockingham Now, a newspaper having general circulation in the City of Eden, at least ten (10) days prior to the date of the public hearing.

This the 20th day of October, 2020.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, CMC, City Clerk

- b. Consideration of a request to adopt an ordinance for the demolition of a structure at 617 Spring Street under the City of Eden Human Habitation Ordinance.

Mayor Hall called on Ms. Stultz.

Ms. Stultz called on Mr. Vincent to discuss the project.

Mr. Vincent said an extension had been given to the owner of 617 Spring Street at the September City Council meeting that expired on the present day. Mr. Vincent took photographs earlier the same day that showed the current conditions of the house. It was standing open. The first floor had been cleaned out since the last inspection, but there were floor issues

related to rotted joists and outer bands. There were broken windows and wiring issues in the bedrooms and leaks in the ceilings of the bathrooms. There were two small rooms upstairs that would likely not be habitable by today's standards considering the dimensions of the rooms. The attic view showed remnants of a chimney that had been partially removed, evidence of sheetrock repair and a large hole in the roof. Pictures of the crawl space proved that all of the building services would need to be repaired, such as service change wiring, plumbing, heating and air. The erosion of posts used to help stabilize the floors at one point was evidence of structural issues. The seals on an exterior door and along the foundation were gone. There was an old A-base electrical meter box hooked to the side of the house that was likely not usable. The outside of the house was covered with asbestos which could pose an issue depending on the decision made regarding the cost of the demolition. The owner of the property applied for a building permit that day, after Mr. Vincent had been to the site, in order to start making repairs to meet the minimum housing code. The tax value on the structure itself, excluding land, was \$9,571. After a house was vacant for one year, the State would consider the intent to repair the structure as abandoned. After the one-year time frame, if it were to be determined that the repair cost to bring the structure up to livable standards as outlined by the minimum housing code exceeded 50 percent of the tax value, it could be demolished.

Council Member Hunnicutt asked for confirmation that a building permit was issued for the property that day.

Mr. Vincent replied yes, about 11:30 that morning.

Mayor Hall asked Ms. Stultz about the timeframe.

Ms. Stultz stated that Council gave the property owner a total of 60 days as long as the owner obtained permits within 30 days and began repair work. However, the issue was the cost associated with making the necessary repairs to meet the minimum housing code exceeding what the State's statutes delineated.

Mayor Hall said Council instructed the property owner to begin working on the property and obtain a permit within 30 days, which is what they did based on pictures of the first floor.

Mr. Vincent stated the first floor had been cleaned out as well as the majority of the ceilings removed on the first floor.

Council Member Nooe asked what was covered under the type of permit issued.

Mr. Vincent said the permit covered general remodeling for minimum housing code repairs with a valuation of \$5,000 because they intended to make the repairs themselves.

Council Member Nooe asked if they would have to come back and apply for plumbing, electrical and mechanical permits.

Mr. Vincent answered yes, all of the permits were separate. Mr. Vincent said that Robert Roscoe Hodge II said he wanted to start by tearing out the ceilings and repairing the floors.

Council Member Nooe asked if there was a time limit that the owner had to make the structure safe once the permit was issued.

Mr. Vincent said according to the general statutes, once a building permit was issued, the applicant had six months to obtain their first inspection. If it were not inspected by that time, the permit would become invalid. After the applicant received the first inspection, the permit would be good for an additional year. Mr. Vincent pointed out that the house was standing open and with cold weather approaching, it was open for people to come in and try to stay warm. He expressed concern with the possibility that public safety personnel would be called to the property to deal with such.

Council Member Hunnicutt said he did not feel it was the role of City Council to decide the economic merits of the remodel. He saw an individual that was apparently making a good faith effort to restore the house. He felt there were many other houses in Eden that the City could focus its attention on considering the property owner and Mr. Hodge had done what Council had asked of them. He made a recommendation to withdraw the item from consideration. In April, he asked Ms. Stultz to provide him with the amount that the City budgeted for demolitions beginning with fiscal year 2015-2016 and running through fiscal year 2019-2020. The budgeted amount was \$465,000 for the demolition of substandard housing or commercial properties.

Ms. Stultz pointed out that the amount also included nuisance abatements.

Council Member Hunnicutt stated the expenditures of what was actually spent was \$318,500. He wanted to make the point that the City was spending a lot of money on demolition. Even though it was inevitable with some houses, he challenged Mr. Mendenhall to work with City staff on establishing a way to mitigate some of those things. He did not know what the answer was. He recently researched the possibility of a land bank similar to the ones in Martinsville and Danville, Va., that helped to create an environment to put similar properties back into use. The City was not only spending a lot of money demolishing such properties but those properties were also removed from the tax rolls. There was clearly a need for lower income housing and that was something the City also needed to consider. When it appeared that a property owner was stepping up and trying to do the right thing, the City needed to give that person time to do so.

Mayor Hall stated the item was put on the agenda prior to the property owner applying for the permit.

Council Member Ellis questioned if the property owner and Mr. Hodge had done what was asked of them at the September Council meeting. He quoted an excerpt from the minutes taken from the September Council meeting: “Council Member Hampton asked Mr. Hodge if he felt he would be able to repair the house in a manner that would be compliant with code in one month. Mr. Hodge answered no. He said it was difficult to find anyone to do any type of repair work at the present time but felt he would be able to show improvements to the property within a month and a half.” He questioned whether Mr. Hodge had made any improvements besides cleaning out the bottom floor.

Mr. Vincent said not to his knowledge.

Mayor Hall said Council did not have the before photos of the house.

Council Member Epps said a month and a half had not passed yet.

Council Member Nooe stated the biggest problem he had with the situation was the property owner had been notified multiple times prior to the property reaching the current action before Council. Yet, the property owner waited until the last minute to do anything. Considering the permit was valid for at least six months and possibly as long as one year, he expressed concern with the structure remaining unsafe. He asked if it was possible to make the property owner board up the structure to eliminate it as a hazard and eyesore to the neighbors. He asked Ms. Stultz how long the process had taken before it was brought before Council.

Ms. Stultz replied the City had dealt with issues regarding the property for years. The City’s current regulations included a ‘vacated and closed’ section in which current regulations required the property to be boarded up and painted amongst other things; however, that did not make it vacated or closed. If Council desired for the property owner to board up the structure, her department could require that of the property owner before the November Council meeting.

Mr. Vincent stated that he instructed Mr. Hodge to secure the dwelling as soon as possible when he applied for the permit, at which point he agreed to do so.

Council Member Nooe said he did not see a problem with giving the property owner and Mr. Hodge more time as long as he secured the structure in a manner that made it safe before the November Council meeting. He added that Council needed to decide if they wanted to allow additional time for the property owner, who might wait until the last minute to make repairs, or if they needed to go ahead and make a decision.

At Ms. Stultz’s request, Mr. Vincent stated the action on the property began on May 1, 2019.

Mayor Hall acknowledged a lot of work was involved on the department’s behalf in order to reach the current standing on the situation, but stated it was also a difficult decision for Council to make because sometimes it was hard on the property owner while other times the property owner was relieved to see the property demolished. Mayor Hall agreed that the property owner of 617 Spring Street appeared to be making an effort and thus, he was in favor of giving them a chance to complete it. He added that even though some properties are left unfinished, he wanted to give the property owner the opportunity to make the necessary repairs.

A motion was made by Council Member Hunnicutt to remove 617 Spring Street from consideration of demolition until such time it was no longer in compliance with the building permit. As long as a good faith effort was being made to restore the property, that was what he was looking for.

Mayor Hall asked Ms. Stultz if the motion made would set the department back to the beginning of the process.

Ms. Stultz answered yes.

Mayor Hall suggested tabling the consideration of demolition of 617 Spring Street until the next date was reached that Council previously agreed to at the September Council meeting, which was to give the property owner 30 days to obtain a permit and 60 days to make repairs. The owner met the 30-day requirement and thus, Council needed to wait until day 60 was reached before proceeding. He added that if he had known that the property owner applied for the building permit, he would have suggested pulling the item from the agenda.

Ms. Stultz agreed but added that because Council had asked for work to be completed within 30 days, City staff wanted to see the item through.

Mayor Hall said he never saw any before pictures of the inside of the structure, leaving it unclear if the property owner had already cleared out some things.

Council Member Hunnicutt asked what designated work since the property owner had already performed some work to the house.

Council Member Nooe suggested meeting with the department's staff to see how to proceed with similar situations going forward, such as calling a special meeting for the property owner to meet Council and let the owner know Council was willing to work with them. Once it got to the point of a regular Council meeting, considering the time and effort spent, the City should not back down.

Council Member Hunnicutt agreed and stated he would like to see the entire process tightened up and thus, that was his reason for challenging Mr. Mendenhall to research if there was another way to handle such situations in a manner that was fair and reasonable to everyone. At the same time, he wanted to move on if there was a property in question that was beyond the state of repair. However, if there was a property owner that had gone through the process of obtaining a building permit, that proved a good faith effort on their part that they desired to make needed repairs.

Council Member Ellis addressed the amount of money that was spent on demolitions over the past few years by stating that the City did look much better than it had in the past by the choices Council made to clean up unrepairable properties. He added that the City needed to stay in contact with the property owner of such properties and the work they were doing to the properties. The agreement made with the property owner of 617 Spring Street was that work needed to be done but the definition of work needed to be clarified.

Mr. Vincent said the first floor previously looked like the two cluttered rooms on the second floor that were shown in the pictures.

Mayor Hall clarified that Council Member Hunnicutt's motion was to postpone action on the consideration of demolition of 617 Spring Street for 30 days to allow the property owner time to fulfill the original extension given at the September Council meeting in which he was to show meaningful effort in making repairs according to the minimum housing code. Council Member Nooe seconded the motion. All members voted in favor of the motion. The motion carried. Mayor Hall said the status would be updated at the next meeting.

Council Member Carter thanked Mr. Vincent for presenting the item to Council.

Mayor Hall thanked Ms. Stultz and her staff for their work involved with the UDO and the help that was received from the community and outside consultants.

Ms. Stultz stated she forgot to recognize several of the Planning Board members that were in attendance at the meeting.

- c. Consideration to submit a request for proposals for an internal auditor.

Mayor Hall called on Finance & Personnel Director Tammie McMichael.

Ms. McMichael stated that at the July City Council meeting, Council decided to postpone making a decision to hire an internal auditor until a determination could be made regarding the level of auditing services needed. Staff was asked to amend the original Request for Proposal (RFP) for Council's consideration. She stated a change was made to the first item under the 'Contract Specifications' section to specifically identify that the City was looking for a certified public accountant with internal auditing experience. The second item under the same section was amended to request random, unannounced audits at least twice per year instead of three times per month. The sixth item under the same section specified the City's interest in an auditor who could commit to a two-year agreement instead of a three-year agreement. The last change was made to item 11 under the 'Submission of Proposal' section in which the phrase 'including experience and references' was added in order to clarify that the City needed as much information as possible from those submitting a proposal. Ms. McMichael obtained a list from the local state treasurer's office of CPA firms that performed annual audits for other municipalities but felt they likely had qualified staff that could provide the internal auditing services the City needed.

Council Member Hunnicutt asked Ms. McMichael if she was only seeking permission to send out the revised RFP.

Ms. McMichael answered yes.

A motion was made by Council Member Epps authorizing the request for proposals for an internal auditor. Council Member Hampton seconded the motion. All members voted in favor of the motion. The motion carried.

#### NEW BUSINESS:

- a. Consideration to adopt a resolution for application of a Building Reuse Grant match for the Eden Venture Business Park.

Mayor Hall called on Mr. Dougherty.

Mr. Dougherty said Ron Hutchins, owner of Night Owl National Stoneworks, celebrated a ribbon cutting on October 1 on the former K-Mart building that he was turning into a countertop fabrication business. Mr. Hutchins also purchased the former Eden Mall and was naming it Eden Venture Business Park, of which 70,000 square feet of the building would be used for a cabinet fabrication facility with the hopes of employing up to 35 people. The City was seeking a \$100,000 building reuse grant from the N.C. Department of Commerce Rural Division, which would require a 5 percent match (\$5,000) from the City and did not involve any other local incentives.

Mayor Hall stated the section of the facility that Mr. Hutchins had completed thus far was impressive.

A motion was made by Council Member Hunnicutt to adopt a resolution for application of a Building Reuse Grant match for the Eden Venture Park. Council Member Ellis seconded the motion. All members voted in favor of the motion. The motion carried.

#### RESOLUTION FOR APPLICATION OF BUILDING REUSE GRANT TO BENEFIT PROJECT HOOT

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

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

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

NOW THEREFORE, be it resolved by the Eden City Council that: Upon receipt of the Grant Agreement for the 2020 Building Reuse project by the NC Department of Commerce Rural Division, the Eden Mayor and/or City Manager are hereby authorized to proceed with the execution of the documents and return them to the funding agencies in the interest of proceeding with the grant execution. The Eden Mayor and/or City Manager are hereby authorized to execute daily grant related documentation which includes documentation such as the grant agreement, general correspondence between the City and the proposed business and/or funding agency (as necessary). Any documentation which reflects a change in the original scope of work and/or amendment related activities must be brought before the Eden City Council for approval.

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

Adopted this 20th day of October, 2020 in Eden, N.C.

City of Eden

By: Neville Hall, Mayor

Attest: Deanna Hunt, CMC, City Clerk

- b. Consideration of an agreement for the installation, maintenance, and liability of meters and infrastructure at 625 Washington Street.

Mayor Hall called on Ms. Gilley.

Ms. Gilley said she prepared an agreement for the maintenance and liability of meter installation at 625 Washington Street, involving the Central Hotel property that was being redeveloped into 27 apartments requiring the installation of 28 new meters. The City code specified that the installation of water meters must be located within rights-of-ways, which in the situation regarding 625 Washington Street would be the sidewalk. Staff met with the property owner and decided that the installation of the meters in the basement of the property, which was private property, would be in the public's best interest. In order to limit the City's liability from the meters being located on private property, Ms. Gilley drafted a maintenance agreement with liability implications. The intent of the agreement was to address that maintenance and liability of infrastructure owned by the City was to be located in the public right-of-way while maintenance and liability of infrastructure owned by the property owner was to be located on private property. The agreement specified that installation from the water main up to a water valve cut-off in the City's sidewalk was to be installed by the City's contractors. The line would then be extended to the face of the building, at which point the property owner would core the hole for the line to extend into the building. The City's contractor would install the meters and pipes in the basement. The property owner agreed that after all of the installation was completed, the City would be released from any liability and would be held harmless for any liability that could occur as a result of the meters being located in the basement. City staff felt the agreement was a good compromise as the City had intended to support the developer in the project by making it a developer-friendly project. Staff also felt the maintenance and liability agreement would mitigate the risk to the City. In addition, the property owner had agreed to carry a \$1 million general liability insurance policy on the project with the City named as an additional insured party as a result of a recommendation by the North Carolina League of Municipalities so that if any damage were to occur, the City would have more than the property owner's agreement to not hold the City liable. The Municipal Services department was in the process of receiving bids for the City's part of the installation work. Once all of the bids were received, Ms. Gilley asked that the City be allowed to proceed with the contract for the installation work.

Council Member Carter asked if the property owner was going to conduct the core boring across in the wall.

Ms. Gilley answered yes. She stated that because the City would normally perform the required type of work being conducted up to the meters, the City agreed to reimburse the property owner for any costs associated with such by issuing a credit on the property owner's water account instead of issuing a written reimbursement check.

Council Member Epps stated that he managed HUD property, in which they typically used a large general meter with each apartment having its own meter inside of it. The property owner would be responsible for the general meter and collecting the charges from each apartment. He questioned if that option had been considered on the project.

Ms. Gilley replied that it had been considered. The issue with the general meter would have been the large meter vault box in the right-of-way obstructing the sidewalk. There would also be the potential for water pressure issues for the tenants

on the fourth floor because each time the line were to be stopped, there would be a loss in pounds of pressure. It would also put a hardship on the property owner as he would be responsible for collecting the charges. In addition, if the property owner were to put the water bill in his name, he would not have the ability to disconnect each tenant as the City did. Considering the investment that the developer had put into the property, the City had not executed any grants on the property and the agreement was an attempt on the City's behalf to make it a developer-friendly project agreement.

Council Member Hunnicutt asked if all of the staff involved in the project felt comfortable that the City had reasonable access to the property and no issues in proceeding with the agreement. He added that it seemed logical to approach it in the manner discussed by having 24/7 access to the meters if there were to be an emergency, etc.

Mr. Mendenhall replied that access was a good thing and it was the collaborative consensus among staff that what was outlined in the agreement was the best recommendation to present to Council.

Council Member Moore asked if it would be a problem in relation to the way the meters were electronically read each month.

Ms. Gilley said the transmitters would be installed on the exterior of the property building at a location mutually agreeable to both parties. The City would be able to read the meters without having to gain access to the building. The agreement stated that the City would have access to the building anytime needed to disconnect the property, to eliminate a waste of water or to determine the cause of an improper meter calculation. If the need for a repair was discovered, the City would give the property owner six hours to make the repair. If the owner does not make the repair within that timeframe, the City would have right, but not the obligation, to access the property and make the repair. Any costs associated with the repair would be charged to the property owner and attached to the water bill if not paid. The property owner would provide the City with a key to the property and if at some point, the key were to not work, the City would have a Knox box so that the building inspector or fire chief would be able to access the property anytime needed. The developer would also have a leasing agent working from 8 a.m. until 5 p.m. that the City could utilize on a regular basis. However, if there were to be an emergency, the City would have those other options.

A motion was made by Council Member Moore to approve an agreement for the installation, maintenance and liability of meters and infrastructure at 625 Washington Street and approval to proceed with a contract to perform the installation. Council Member Hunnicutt seconded the motion. All members voted in favor of the motion. The motion carried.

*A copy of the agreement is on file in the Clerk's Office.*

#### REPORTS FROM STAFF:

- a. City Manager's Report.

Mayor Hall called on Mr. Mendenhall.

Mr. Mendenhall said he was happy to include the City Manager's report in the agenda and welcomed any questions.

Mayor Hall said the first few pages of the report were filled with good news of job opportunities as well as the announcement of Nestle Purina's investment in Eden. He offered extra copies to anyone desiring one and stated it was also available online and in Eden's Own Journal.

**City Manager's Report  
October 2020  
City Manager Jon Mendenhall**

### **ECONOMIC DEVELOPMENT**

***Industry***  
**Nestle Purina Comes to Eden**



On September 30, it was announced that Nestle Purina would be coming to Eden bringing 300 jobs and a record \$450 million in investment to the former MillerCoors facility. This is the largest investment in Rockingham County history and one of the largest in the state. This announcement marked the end of a process that encumbered more than six months of work. All of those who contributed to bringing Nestle Purina to Eden deserve thanks and include:

- N.C. Senator Phil Berger and N.C. Department of Commerce who helped support the project with state incentives.
- Eden City Council and Rockingham County Commissioners who supported the project with local incentives.
- Rockingham County Economic Development Director Leigh Cockram and Existing Industry Manager Kerry Taylor, along with Eden Economic Development.
- 770 Ventures, owners of the former MillerCoors property. After purchasing the facility in January of 2019, they pledged to bring jobs back to the facility and thus, have fulfilled that promise. Specifically, David and Deven Griffin deserve special thanks. If DH Griffin was not part of the process, it would not have happened.
- Drew Lucas, of One Environmental Group and a former MillerCoors employee, was always willing to show the property during the four years it was vacant and was invaluable to the Nestle Purina due diligence team.
- City of Eden staff including City Manager Jon Mendenhall, former Interim City Manager Terry Shelton, City Attorney Erin Gilley, Planning and Inspections Director Kelly Stultz, Chief Inspector Bob Vincent, Director of Engineering Bev O'Dell, Public Works Director Paul Dishmon, Water and Sewer Construction Projects Manager Mark Bullins and the Facilities and Maintenance Department employees led by Superintendent Ray Thomas.
- City of Eden staff Coordinator of Special Events and Tourism Cindy Adams, Assistant Director of Finance Amy Winn, Assistant Director of Human Resources Teri Sentiff, Billing & Collections Clerk Amy Lusk, City Clerk Deanna Hunt and Administrative Assistant Blair Barker all contributed to a celebratory event following the announcement.
- Draper Rural Fire Department will jointly work with the City of Eden in providing fire protection coverage to the facility. We appreciate their partnership.
- Finally, we thank Nestle Purina for selecting Eden for its first N.C. facility. They are returning jobs, investment and optimism to Eden. We look forward to a mutually beneficial partnership with this company for many years to come.

### **Night Owl National Stoneworks**

On October 1, Night Owl National Stoneworks celebrated its grand opening and ribbon cutting in its East Meadow Road facility. Owner Ron Hutchins has brought new life to the former K-Mart building for his quartz, granite and ceramic countertop fabrication operation. All of the many Night Owl employees helped celebrate this special day. Special thanks goes to Director of Operations and Eden native Marty White who was the reason this facility located in Eden.

### **Now Hiring!**

#### *Weil-McLain*

Hiring 10-15 full time employees, including machine operator, assembler, material handler and paint operator. Visit [www.weil-mclain.com/careers](http://www.weil-mclain.com/careers) for more information.

#### *Armor Express*

Openings for a ballistic sewer, carrier and ballistic spread and cut, packout clerk, customer service representative, customer service supervisor, ballistic pad prep, warehouse clerk, carrier sewer and ballistic material handler. Applicants should apply by visiting [armorexpress.com](http://armorexpress.com) under Resources<Careers<Current Openings.

#### *Josh Smith Auto Repair*

Looking to hire an automotive technician. If interested, you may apply and submit your resume in person during their regular business hours of Monday-Friday from 8 a.m. to 6 p.m. or email it to [joshsmithauto536@yahoo.com](mailto:joshsmithauto536@yahoo.com). They are offering a **referral reward**: if you refer an applicant and they are hired, you will receive a \$200 reward!

#### *Blow Molded Solutions*

Immediate openings for machine operators at Blow Molded Solutions in Mayodan! They offer 12-hour shifts (day or night) and up to \$11.75/hour. Contact AmeriStaff at [www.ameristaff.com](http://www.ameristaff.com) or 336-623-6252 for more information. Applications may be filled out onsite Monday-Friday from 8 a.m. to 5 p.m.

#### *Henniges*

Openings for a quality engineer, quality systems coordinator, industrial engineer, engineer and HR generalist. You may submit your resumes to [dana.huskey@hennigesautomotive.com](mailto:dana.huskey@hennigesautomotive.com)

#### *Royalty Adult & Home Care*

They are now hiring CNA's. For more information, call 336-623-2547; visit their website at [www.royaltyhwr.com](http://www.royaltyhwr.com); or email [angela@royaltyhwr.com](mailto:angela@royaltyhwr.com).

#### *Workforce Unlimited*

Hiring for positions in Blairs, V.A.; Martinsville, V.A.; Eden, N.C. and Reidsville, N.C. They have openings for order picker, packaging and general laborer positions in all shifts. For more information, call the Reidsville branch at 336-347-7783 or visit [wfunlimited.com](http://wfunlimited.com).

### **Tourism and Special Events**

#### **Halloween Treats**

There are three great opportunities for kids to have some Halloween fun and get some delicious treats. Three of our business districts have created some super fun events for Halloween weekend!

- **Treat Street** – The Uptown Eden merchants along Washington & Monroe Streets invite kids to dress up and trick-or-treat with participating merchants identified with a Treat Street flyer in their windows from 3 p.m. – 5:30 p.m. on Friday, **October 30**. The Annual Costume Contest will begin at 6 p.m. in the Washington Street Park located at the corner of Washington & Henry Streets.
- **Halloween Trunk-or-Treat on Fieldcrest** – The Friends of Draper invite kids to dress up and come enjoy hotdogs, beverages and CANDY on Saturday, **October 31** from 4 - 6 p.m. along Fieldcrest Road.
- **Trick-or-Treat on the Boo-Levard** – The Boulevard Merchants invite kids to trick-or-treat up and down the Boulevard Saturday, **October 31** from 4 - 6 p.m. There will be individual treat bags for each child. The street will be closed to traffic.

#### **Photo Contest**

GIVE US YOUR BEST SHOT! We invite you to enter our Fall Rivers & Trails Photo Contest that runs through October 31. The top three photo entries featuring Eden's BIG OUTDOORS will win prizes! Top photos will also be featured on our social media platforms, websites and printed materials. Enter by sending your best photos to [cadams@edennc.us](mailto:cadams@edennc.us). Please include your name and phone number.

## **PARKS AND RECREATION**

### **COVID-19 Updates-Phase 3**

All Parks and Recreation facilities are open in a limited capacity due to Governor Roy Cooper's Phase 3 regarding COVID-19. Please note, at all open indoor facilities, staff will have participants sign in and answer questions regarding symptoms of COVID-19 before they are allowed into the facility. Staff will also sanitize the facility before, during and at the end of each evening.

### **Bridge Street & Mill Avenue Recreation Centers**

These two facilities will be open Monday through Thursday from 2 p.m. until 7 p.m. and on Fridays from 10 a.m. until 6 p.m. There will be a maximum of 25 participants allowed at any given time.

### **Citywide Playgrounds**

All playgrounds are open.

### **Eden City Hall**

City Hall is now open to individuals needing to conduct business within the Finance Department. In order to comply with social distancing guidelines, we ask that you wear a mask and remain six feet apart from others as there will be markings in the lobby appropriately spaced.

Staff from other departments within City Hall can meet with individuals in the lobby or in the front Conference Room if needed.

### **Facility Rentals**

There will continue to be no facility rentals due to the limited number of individuals allowed in a facility only being 25.

### **Freedom Park**

The park will continue to operate by maintaining social distancing during the use of the park by citizens. This includes the walking track, basketball courts, skateboard park, nature trail and dog park. The Splash Pad is closed for the season. There will continue to be no shelter rentals at this time.

The Freedom Park Softball Complex and Multi-Purpose Field will continue to operate as it did in Phase 2 with no weekend tournaments being held.

### **Garden of Eden Center**

This facility is operating with a limited capacity of 25 participants at any given time and will be open to the public Monday through Friday from 8 a.m. until 5 p.m.

### **Matrimony Creek Nature Trail Repair Update**

Eden's greenways and trails are typically built on sewer line outfalls that run along creeks and rivers. They have multiple uses, such as walking, jogging, biking and horseback riding, which make for a great environment to be out and enjoy the beautiful outdoors.

City staff began making improvements on the first three-quarter mile of the Matrimony Creek Nature Trail and hopes to have that portion open for public use by October 17.

## **PLANNING & INSPECTIONS**

### **Projects Underway**

The apartments at 624 Washington Street are now complete.

The Ray Commons project (formerly Central Hotel) is well underway. All rough-ins on the fourth floor are complete and trim-out has begun. The third floor rough-ins are expected to be completed by October 17.

The Ample Storage project has a target completion date of October 15.

### **GIS**

The City's GIS maps are regularly updated with information provided by staff members, including but not limited to, Director of Transportation Engineering Tammy Amos, Engineering Technician Kevin London and Collections & Distribution Crew Leader Michael Vernon. Learning the new systems available to the City is also a continuous effort by Planning & Inspections Coordinator Debra Madison to improve the resources available to City staff in their day-to-day jobs.

Maps have been built and provided to various members of staff including the City Manager and Director of Economic Development Mike Dougherty.

### **Boards and Commissions**

Meetings remain suspended for all of the boards and commissions except those that receive requests that cannot be delayed, such as Planning Board and the Strategic Planning Commission. The Board of Adjustment has not had any applications since the pandemic began.

### **Strategic Planning Commission**

City staff is assisting the SPC with a work session meeting on October 16. Dr. Kenny Scott, of Rockingham County Schools, has agreed to be the facilitator of the work session.

### **Board of Adjustment**

The Board of Adjustment approved a special use permit request for a major home occupation for dog grooming on Hamilton Street at their September 17 special meeting, which was their first meeting of 2020.

### **Draper CDBG**

The applications were rated by our consultant, Withers Ravenel, where they were then sent to the Housing Selection Committee and confirmed for environmental review. As soon as the environmental reviews are completed, the applicants will be notified if they are chosen as a recipient or an alternate, if they did not rate high enough to receive grant assistance, or if they did not qualify for the grant. The top ten recipients and the six alternates chosen will be instructed to provide documentation of their income as reported on the applications.

### **Unified Development Ordinance**

A public hearing on the text of the UDO will be held at the October regular meeting of the City Council.

The Public Workshop on the proposed maps was held on September 10. The Planning Board reviewed the Proposed Zoning Map, Watershed Map and the Outdoor Advertising Overlay Map at their regular meeting on September 22. They are recommending that the City Council approve and adopt these maps at their regular City Council meeting on November 17.

### **COVID-19 CDBG Assistance to Low and Moderate Income Citizens Grant**

The City is partnering with the Rockingham County United Way to apply for \$900,000 to assist its citizens with utilities, rent and mortgage payments that are delinquent due to issues incurred throughout the COVID-19 pandemic. This will include payments of bills owed to the City of Eden for water, sewer and garbage fees.

### **Assistance to Firefighters Grants**

Fire Department staff and Planning Department staff met concerning funding of reimbursements for COVID-19 expenses. There is a grant that is similar to the COPS grants, called SAFER, that both departments have researched. They hope to submit an application in the next cycle.

## **POLICE**

### **Job Vacancies**

The City currently has four vacancies for police officers. Staff conducted interviews and are in the process of completing background investigations on individuals to fill three of the vacancies. They are still accepting applications.

### **Halloween Events**

The Police Department will be working traffic and security on October 31 from 3 p.m. to 7 p.m. on Fieldcrest Road for their annual Trunk-or-Treat event.

As usual, they will have additional officers out working on October 31 for Halloween.

b. Update on the Matrimony Creek sewer repair.

Mayor Hall called on Mr. Dishmon.

Mr. Dishmon said the City was still waiting on the engineering firm to check with the U.S. Fish and Wildlife Service in regards to the Roanoke logperch and the James spiny mussel that could potentially be located within Matrimony Creek. He hoped everything would be approved by the first of November so that repair work could begin. He extended appreciation to Mr. Dougherty for obtaining a grant of \$15,000 from Duke Energy to assist with the repairs. He added that the first three-quarter mile of the trail was open to the public.

Mayor Hall thanked Mr. Dishmon and his staff for getting the first three-quarter mile of the trail back open to the public and added that he had heard good things about it.

Council Member Hunnicutt asked if the N.C. Department of Environment and Natural Resources (NCDENR) had any issues with the actual improvements for the sewer itself being located in the watershed adjoining the creek.

Mr. Dishmon said NCDENR, as well as the Department of Environmental Quality (DEQ) and the Corps of Engineers, were involved in the repair process.

Council Member Hunnicutt asked if all of the engineering plans had been approved with the only thing pending being consent from U.S. Fish and Wildlife Services.

Mr. Dishmon said yes as long as the other agencies were in compliance with the ruling from U.S. Fish and Wildlife Services. He stated the City was hoping to conduct the repair work on a nationwide permit instead of a special permit due to the altering of the initial plan, which was to cross the creek to do some of the repair work. By staying on the same side of the creek where the flooding occurred, the City would not be imposing on the endangered species and would therefore, qualify for the nationwide permit.

Council Member Hunnicutt asked if the engineering plans had been approved to the point that construction could begin if U.S. Fish and Wildlife Services concluded there were no environmental issues or if they would still need to be approved.

Mr. Mendenhall said in order to determine what type of permit would be needed, an understanding of the scope of the work involved had to be defined, which required researching the environmental concern regarding crossing the creek for repair work. A nationwide permit would be suitable for a repair as the City would be returning back to its original condition before the damage occurred versus changing the scope before it was damaged.

Mr. Dishmon agreed that as long as the City returned back to the condition it was in prior to the damage, it would not have to go beyond a nationwide permit. He added that the City experienced a washout on Matrimony Creek that damaged roughly 65 feet of sewer line. If the City had chose to alter it, it would have cost approximately \$400,000; thus, the City decided to return it back to the way it was before the damage occurred.

CONSENT AGENDA:

- a. Approval and adoption of the September 15 and September 30 minutes.
- b. Approval and adoption of Budget Amendment 2.

Assistant Director of Finance Amy Winn wrote in a memo that the budget amendment allocated CARES Act funding received from Rockingham County to appropriate Public Safety line items. The funding was approved by Council at the September 15 City Council meeting.

	Account #	From	To	Amount
<b>General Fund</b>				
<b>Revenues</b>				
CARES Act Proceeds	10-3850-89000	\$ -	\$ 348,300.00	\$ 348,300.00
<b>General Fund</b>				
<b>Expenditures</b>				
Police Salaries - CARES Act	10-4310-12101	\$ -	\$ 221,000.00	\$ 221,000.00
Police Group Insurance - CARES Act	10-4310-18301	\$ -	\$ 67,000.00	\$ 67,000.00
Police FICA - CARES Act	10-4310-18201	\$ -	\$ 16,000.00	\$ 16,000.00
Police Life/ADD&D/Disability Ins - CARES Act	10-4310-18401	\$ -	\$ 300.00	\$ 300.00
Police Worker's Comp Ins - CARES Act	10-4310-18601	\$ -	\$ 9,000.00	\$ 9,000.00
Police Retirement - CARES Act	10-4310-18001	\$ -	\$ 24,000.00	\$ 24,000.00
Police 401(K) - CARES Act	10-4310-18911	\$ -	\$ 11,000.00	\$ 11,000.00
				<u>\$ 348,300.00</u>

Appropriates CARES Act funding to Public Safety line items.

Adopted and effective this 20th day of October, 2020.

Attest:

Deanna Hunt, City Clerk

Neville Hall, Mayor

- c. Approval and adoption of Budget Amendment 3.

Ms. Winn wrote in a memo that the budget amendment allocated funds from the General Fund contingency line item for the new Deputy Fire Chief position and vehicle based on Council's decision in September.

Account #	From	To	Amount
<b>General Fund Expenditures</b>			
GF Contingency	10-9990-99100	\$ 400,000.00	\$ 297,100.00 \$ (102,900.00)
Fire Salaries	10-4340-12100	\$ 753,400.00	\$ 795,800.00 \$ 42,400.00
Fire FICA	10-4340-18100	\$ 67,700.00	\$ 71,000.00 \$ 3,300.00
Fire Retirement	10-4340-18200	\$ 77,000.00	\$ 81,300.00 \$ 4,300.00
Fire Group Insurance	10-4340-18300	\$ 253,200.00	\$ 263,500.00 \$ 10,300.00
Fire Life/AD&D/Disability Insurance	10-4310-18400	\$ 25,500.00	\$ 25,900.00 \$ 400.00
Fire 401(k)	10-4340-18910	\$ 38,000.00	\$ 40,200.00 \$ 2,200.00
Fire C/O Vehicles	10-4340-55000	\$ -	\$ 40,000.00 \$ 40,000.00
			<u>\$ -</u>

Appropriates contingency funds for additional Deputy Fire Chief position and vehicle.

Adopted and effective this 20th day of October, 2020.

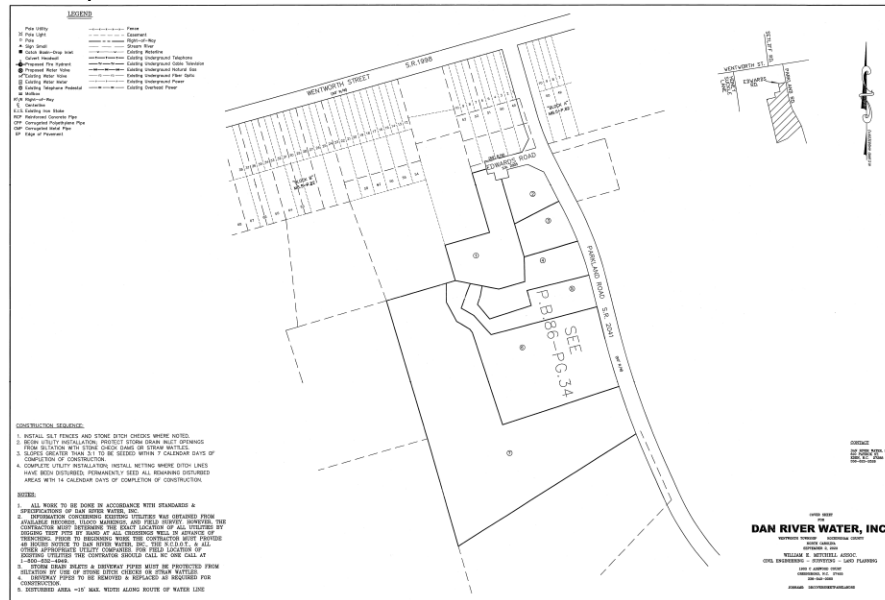
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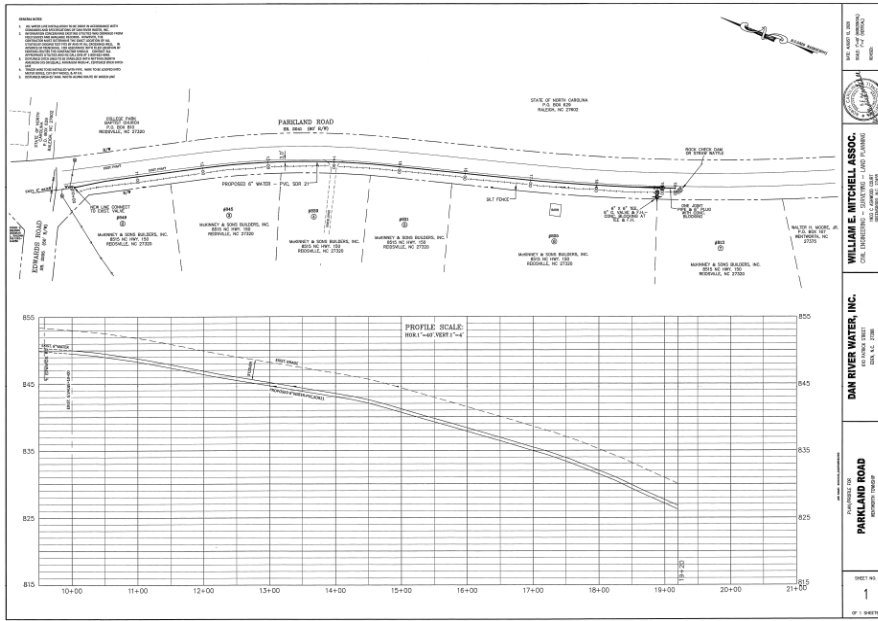
Deanna Hunt, City Clerk

Neville Hall, Mayor

d. Approval of proposed water main extension by Dan River Water, Inc. along Parkland Road.

Bev O'Dell, Director of Engineering, wrote in a memo that Mike Lemons, Utility Supervisor for Dan River Water, Inc., requested City Council grant approval for the proposed installation of about 900 LF of 6-inch diameter PVC water main along Parkland Road, southward from the intersection with Edwards Road (SR# 2005). Preliminary plans for the project were prepared by William E. Mitchell Associates. Approval of the proposed improvements was being requested in accordance with the water purchase agreement between the City of Eden and Dan River Water, Inc. The improvements were intended to serve six single-family residences, and possibly one existing residence along the proposed project route. The project site is located less than half a mile from the Chinqua Penn Plantation. It was recommended that the proposed Dan River Water, Inc. water main extension along Parkland Road be allowed to take place.





Council Member Moore made a motion to approve the consent agenda. Council Member Epps seconded the motion. All members voted in favor of the motion. The motion carried.

**ANNOUNCEMENTS:**

*There were none at this time.*

**CLOSED SESSION:**

- a. To discuss economic development matters pursuant to NCGS 143-318.11(a)(4).
- b. To discuss legal matters pursuant to NCGS 143-318.11(a)(3).
- c. To discuss real estate matters pursuant to NCGS 143-318.11 (a)(5).
- d. To discuss personnel matters pursuant to NCGS 143-318.11(a)(6).

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

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

**ADJOURNMENT:**

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

Respectfully submitted,

\_\_\_\_\_  
Deanna Hunt  
City Clerk

ATTEST:

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Neville Hall  
Mayor