

**CITY COUNCIL**  
**REGULAR MEETING**  
**AGENDA**  
**COUNCIL CHAMBERS**  
**308 E. Stadium Drive**  
**April 17, 2018**  
**6:00 p.m.**

1. Meeting called to order by: Neville Hall, Mayor
2. Invocation: Rev. Lem Hardison, North Spray Christian Church
3. Pledge of Allegiance: Led by Fire Chief Tommy Underwood
4. Recognitions & Proclamations:
  - a. NCADD & MADD Alcohol Awareness Month
  - b. Junior Achievement Recognition. **Mike Dougherty, Economic Development Director**
5. Roll Call:
6. Set Meeting Agenda:
7. Public Hearings:
  - a. (1) Consideration of a zoning map amendment request and adoption of an Ordinance to rezone 405 Church Street from Industrial-1 to PUD-Mixed Use. Request submitted by Faisal Khan, Property Owner. ZONING CASE Z-18-02. **Kelly Stultz, Director of Planning & Inspections**
  - (2) Consideration of a Resolution adopting a statement of consistency regarding the rezoning of 405 Church Street from Industrial-1 to PUD-Mixed Use. **Kelly Stultz, Director of Planning & Inspections**
  - b. (1) Consideration of a zoning map amendment request and adoption of an Ordinance to rezone 1815 NC 135 and 2401 Harrington Highway from Residential-20 to Business-General. Request submitted by Susan C. Pace and Wanda T. Dyer, Property Owners. ZONING CASE Z-18-03. **Kelly Stultz, Director of Planning & Inspections**
  - (2) Consideration of a Resolution adopting a statement of consistency regarding the rezoning of 1815 NC 135 and 2401 Harrington Highway. **Kelly Stultz, Director of Planning & Inspections**
  - c. (1) Consideration of a request to amend Chapter 2, Article III of the Eden City Code to add Division 9 – Strategic Planning Commission. CITY CODE AMENDMENT CCA-18-01. **Kelly Stultz, Director of Planning & Inspections**
8. Requests and Petitions of Citizens:

9. Unfinished Business:

- a. Consideration of the Certificate of Sufficiency by the City Clerk and adoption of a Resolution calling for a public hearing on the annexation petition of property located at 343 Wilshire Drive. A-18-01. **Kelly Stultz, Director of Planning & Inspections**

10. New Business:

- a. Request for the City Council to ask the City Clerk to investigate the sufficiency of an annexation petition for property located at 344 Wilshire Drive. **Kelly Stultz, Director of Planning & Inspections**
- b. Community Appearance Commission appointments. **Kelly Stultz, Director of Planning & Inspections**
- c. Consideration and approval of a request to award the contract for the Bridge Street Municipal Parking Lot project. **Kelly Stultz, Director of Planning & Inspections**
- d. Request to adopt an ordinance for the demolition of a structure at 1254 Irving Avenue under the City of Eden Human Habitation Ordinance. **Kelly Stultz, Director of Planning & Inspections**
- e. Request to adopt an ordinance for the demolition of a structure at 1238 Irving Avenue under the City of Eden Human Habitation Ordinance. **Kelly Stultz, Director of Planning & Inspections**
- f. Request to adopt an ordinance for the demolition of a structure at 910 First Street under the City of Eden Human Habitation Ordinance. **Kelly Stultz, Director of Planning & Inspections**
- g. Request to adopt an ordinance for the demolition of a structure at 709 Circle Drive under the City of Eden Human Habitation Ordinance. **Kelly Stultz, Director of Planning & Inspections**
- h. Request to adopt an ordinance for the demolition of a structure at 1009 Galloway Street under the City of Eden Human Habitation Ordinance. **Kelly Stultz, Director of Planning & Inspections**

11. Reports from Staff:

- a. City Manager's Report. **Brad Corcoran, City Manager**

12. Consent Agenda:

- a. Approval and Adoption of March 20, 2018 Minutes. **Sheralene Thompson, City Clerk**
- b. Approval to Call a Public Hearing to Consider the FY 2018-2019 Budget on May 15, 2018. **Brad Corcoran, City Manager**

- c. Approval and Adoption of Budget Amendment 6.  
**Tammie McMichael, Director of Finance and Human Resources**
- d. Approval and Adoption of Budget Amendment 7.  
**Tammie McMichael, Director of Finance and Human Resources**
- e. Approval and Adoption of Budget Amendment 8.  
**Tammie McMichael, Director of Finance and Human Resources**
- f. Consideration of an amendment to City Code Chapter 3, Animal Control Ordinance.  
**Greg Light, Police Chief**
- g. Consideration of an amendment to City Code Chapter 10, Personnel Ordinance.  
**Erin Gilley, City Attorney**
- h. Consideration and Approval to purchase a Pinnacle Stationary Compactor Unit.  
**Paul Dishmon, Director of Municipal Services**

13. Announcements:

14. Work Session – Proposed FY 2018-2019 Budget. **Brad Corcoran, City Manager**

Adjourn



## **NCADD & MADD ALCOHOL AWARENESS MONTH 2018**

WHEREAS, alcohol is the most commonly used addictive substance in the United States; and

WHEREAS, more than 1.6 million young people report driving under the influence of alcohol in the past year; and

WHEREAS, young people who begin drinking before age 15 are four times more likely to develop alcohol dependence than those who begin drinking at age 21; and

WHEREAS, drinking by persons under the age of 21 is linked to 189,000 emergency room visits; and

WHEREAS, kids who drink are more likely to be victims of violent crime, to be involved in alcohol-related traffic crashes, and to have serious school-related problems; and

WHEREAS, a supportive family environment is associated with lowered rates of alcohol use for adolescents; and

WHEREAS, kids who have conversations with their parents and learn a lot about the dangers of alcohol and drug use are 50 percent less likely to use alcohol and drugs than those who don't have such conversations.

THEREFORE, I, Neville Hall now join the National Council on Alcoholism and Drug Dependence, Inc. and Rockingham County MADD and do hereby proclaim that April 2018 is Alcohol Awareness Month in the City of Eden. As Mayor, I also call upon all in the City of Eden to support efforts that will provide early education about alcoholism and addiction and increase support for individuals and families coping with alcoholism.

Presented this 17th day of April, 2018.

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Neville Hall  
Mayor

ATTEST

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Sheralene S. Thompson  
City Clerk, MMC, NCCMC



April 5, 2018

To: The Honorable Mayor and City Council

Thru: Brad Corcoran, City Manager

From: Mike Dougherty, Director of Economic Development

Re: Junior Achievement Volunteers and Sponsors—April City Council Meeting

Below are the participating companies in the Junior Achievement program at Central and Draper Elementary Schools.

The City of Eden has acknowledged each company with a resolution supporting their work with Junior Achievement in both schools.

At the beginning of the April meeting, Mayor Hall will read one of the resolutions and mention one company name. He will tell the audience there are separate resolutions for each participating company.

Mayor Hall will invite the participating volunteers representing participating companies to the lectern for recognition. Those he will acknowledge are listed below. He will give a resolution for each company to the volunteers. There are multiple volunteers for First National Bank. If Amy Brown is in attendance, he should give her the resolution for that company. If not, Carlissa Wall.

Central Elementary School

Eden Police Department  
Elite Performance Chiropractic  
Guilford County Schools  
Home Trust Bank  
Proliant  
Virginia Employment Commission

David Stepps  
Jeremy Phillips  
Justin Case  
Bridget French  
Conrad Clark  
Melissa Howell

Draper Elementary School

First National Bank

Nancy McCollum  
Amy Brown  
Vickie Washburn  
Krystal Luegars

Gildan  
WGSR-TV  
Woodforest National Bank

Carlissa Wall  
Lisa Harley  
Kathy Temoney  
Debbie Moore  
Candie Boothe

Please let me know if there are any questions concerning this recognition.



**RESOLUTION OF SUPPORT FOR THE JUNIOR ACHIEVEMENT PROGRAM  
IN THE ROCKINGHAM COUNTY SCHOOLS**

**WHEREAS**, the Junior Achievement organization was established in 1919 by forging relationships with local businesses and the schools to improve economic development; and

**WHEREAS**, Junior Achievement is an invaluable addition to the curriculum of the Rockingham County Schools as the Junior Achievement program seeks to expand upon economic development to also add workforce development and entrepreneurship concepts in the classroom; and

**WHEREAS**, Junior Achievement is widely respected and valued for providing experiences at an early age to young students that promote the skills, understanding and perspectives needed to succeed in a global economy; and

**WHEREAS**, those skills learned help our young to become productive contributing members of society because JA believes in the boundless potential of young people; and

**WHEREAS**, Junior Achievement is so uniquely successful because it partners with local industries to instill in young students financial literacy, work readiness and entrepreneurship;

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Eden believing in the importance of a strong Junior Achievement program in the Rockingham County Schools, hereby recognizes the efforts of

**Eden Police Department**

and their employee volunteers to help instill in our young students the values and concepts that will not only make them better suited to go out into the workforce upon graduation but also to help make the City of Eden and Rockingham County a place ideally primed for economic development.

This the 17th day of April, 2018.

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Neville Hall, Mayor

ATTEST:

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Sheralene Thompson, City Clerk



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**First National Bank**

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**Gildan**

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**GUILFORD COUNTY SCHOOLS**

and their employee volunteers to help instill in our young students the values and concepts that will not only make them better suited to go out into the workforce upon graduation but also to help make the City of Eden and Rockingham County a place ideally primed for economic development.

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**Home Trust Bank**

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This the 17th day of April, 2018.

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**VIRGINIA EMPLOYMENT COMMISSION**

and their employee volunteers to help instill in our young students the values and concepts that will not only make them better suited to go out into the workforce upon graduation but also to help make the City of Eden and Rockingham County a place ideally primed for economic development.

This the 17th day of April, 2018.

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**WGSR-TV**

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This the 17th day of April, 2018.

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**Woodforest National Bank**

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This the 17th day of April, 2018.

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Neville Hall, Mayor

ATTEST:

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Sheralene Thompson, City Clerk





# City of Eden

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## MEMO

**TO:** Honorable Mayor and City Council  
**THRU:** Brad Corcoran, City Manager  
**FROM:** Kelly K. Stultz, AICP, Director  
**SUBJECT:** **Zoning Case Z-18-02 – 405 Church Street**  
**DATE:** April 3, 2018

The City has received a zoning map amendment request filed by Faisal Khan, Managing Member of Spray Cotton, LLC, Property Owner, to rezone property at 405 Church Street from Industrial-1 to PUD-Mixed Use.

The Planning and Inspections Department recommends approval of the map amendment request.

At their March 27, 2018, 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.

If you have questions, please contact this office.


*CERTIFICATE SHOWING THAT NOTICES WERE MAILED TO THE OWNER(S) OF PROPERTY SUBJECT TO REZONING AND TO OWNER(S) OF ALL PARCELS OF LAND ABUTTING SUBJECT PROPERTY AND/OR WITHIN 100 FEET OF SUBJECT PROPERTY*

RE: ZONING CASE Z-18-02  
405 CHURCH STREET

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF EDEN:

I, Kelly K. Stultz, Planning & Inspections Director of the City of Eden North Carolina, do hereby certify that notices of the proposed zoning map amendment requested by Faisal Khan, Property Owner, to rezone the property at 405 Church Street from Industrial-1 to PUD-Mixed Use were mailed first-class mail to the owners of property in the proposed rezoning and all property owners adjacent to or within 100 feet of the subject area on the 3rd day April, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand this the 3rd day of April, 2018.

  
\_\_\_\_\_  
Kelly K. Stultz, AICP  
Planning and Inspections Director



**PLANNING & INSPECTIONS DEPARTMENT**  
**APPLICATION FOR ZONING ORDINANCE AMENDMENT**  
**PETITION FOR MAP AMENDMENT**

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

**(1) APPLICANT INFORMATION:**

NAME: Faisal Khan TELEPHONE: (540) 676-3598  
MAILING ADDRESS: 689 Frosty Meadow Dr  
CITY Pittsboro STATE NC ZIP CODE 27312  
APPLICANT'S PROPERTY INTEREST OR LEGAL RELATIONSHIP TO OWNER(S):  
Owner, Spray Cotton, LLC

**(2) PROPERTY OWNER INFORMATION:**

NAME: Spray Cotton LLC TELEPHONE: (540) 676-3598  
MAILING ADDRESS: 689 Frosty Meadow Dr  
CITY Pittsboro STATE NC ZIP CODE 27312

**(3) PROPERTY INFORMATION:**

TAX PROPERTY IDENTIFICATION NUMBER(S)(PIN): 7070-15-73-2821; Parcel 177124  
STREET LOCATION: 405 Church Street  
DEED BOOK: 1531 PAGE NUMBER 1009  
YEAR CURRENT OWNER ACQUIRED PROPERTY: 2017  
PROPERTY SIZE (in acres or in square feet if less than 1 acre): 5.98  
PUBLIC WATER AVAILABLE  YES  NO PUBLIC SEWER AVAILABLE  YES  NO  
CURRENT USE OF PROPERTY: Industrial

**(4) ZONING INFORMATION:**

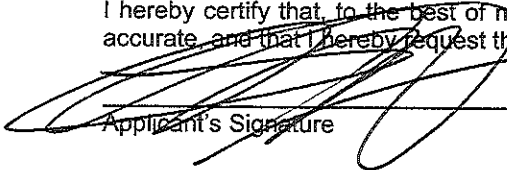
EXISTING ZONING DISTRICT: I-1 REQUESTED ZONING DISTRICT: PUD-MU

**(5) ADDITIONAL INFORMATION:**

INCLUDE WITH THIS APPLICATION A COPY OF THE RECORDED DEED TO THE PROPERTY.  
INCLUDE WITH THIS APPLICATION A COPY OF THE RECORDED PLAT OR SURVEY FOR THE PROPERTY. IF SUCH A PLAT DOES NOT EXIST, THEN INCLUDE A MAP THAT INDICATES THE DIMENSIONS OF THE PROPERTY.

**(7) APPLICANT CERTIFICATION:**

I hereby certify that, to the best of my knowledge, the information shown on this application is true and accurate, and that I hereby request the issuance of a special use permit as described herein.

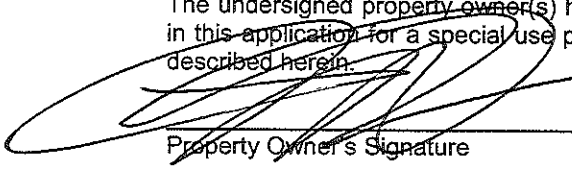


Applicant's Signature

3/2/2018  
Date of Signature

**(8) PROPERTY OWNER(S) CERTIFICATION:**

The undersigned property owner(s) hereby certify to the ownership of the property shown and described in this application for a special use permit, and hereby requests the issuance of a special use permit as described herein.



Property Owner's Signature

3/2/2018  
Date of Signature

Property Owner's Signature

Date of Signature

**(9) CORPORATION CERTIFICATION:**

IT IS HEREBY CERTIFIED, that \_\_\_\_\_, a Corporation, is the owner in fee simple of lands which is described in this application for a special use permit and that the Corporation hereby requests the issuance of a special use permit as described herein.

IN TESTIMONY WHEREOF, that said Corporation has caused these presents to be signed by its duly authorized officer and has caused its Corporate Seal to be affixed thereto.

Witness the signature(s) and seal(s) this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

CORPORATE SEAL

Name of Corporation

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_

\_\_\_\_\_  
President

**DEPARTMENTAL USE ONLY**

APPLICATION NUMBER: 2-18-02  
54-18-02

FEE PAID: \$150

RECEIVED BY: Madison

DATE: 3/2/2018

**PLANNING AND INSPECTIONS DEPARTMENT  
ZONING CASE REPORT  
March 5, 2018**

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<b>CASE NUMBER:</b>	<b>Z-18-02</b>
<b>EXISTING ZONING DISTRICT:</b>	<b>I-1</b>
<b>REQUESTED ZONING DISTRICT:</b>	<b>PUD-MU</b>
<b>APPLICANT:</b>	<b>Faisal Khan</b>
<b>APPLICANT'S STATUS:</b>	<b>Property Owner</b>

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**PROPERTY INFORMATION**

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<b>LOCATION:</b>	405 Church St.
<b>PIN:</b>	7070-15-73-2821
<b>SIZE:</b>	5.98 acres
<b>ACCESS:</b>	Church St.
<b>LAND USE:</b>	Former textile mill
<b>PHYSICAL CHARACTERISTICS:</b>	Former mill building and outbuildings
<b>ZONING HISTORY:</b>	Zoned I-1 at time of original zoning

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**AREA INFORMATION**

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<b>CHARACTERISTICS:</b>	Bordered on the north by vacant I-1 property; bordered on the east by the Smith River; bordered on the south by I-1 property containing the parking lot for Spray Mercantile; bordered on the west by vacant I-1 property and the Spray Canal.		
<b>ADJACENT ZONING:</b>	North:	I-1	
	South:	I-1	
	East:	I-1 (Smith River)	
	West:	I-1	

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**PLANNING AND DEVELOPMENT INFORMATION**

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<b>STREET IMPROVEMENTS:</b>	Yes
<b>PUBLIC WATER AVAILABLE:</b>	Yes

PUBLIC SEWER AVAILABLE:	Yes
LAND DEVELOPMENT PLAN (2007):	Town Center
FLOOD HAZARD AREA:	Yes
WATER SUPPLY WATERSHED:	Yes – WS-IV (Critical)

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### STAFF ANALYSIS

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The request is to rezone approximately 5.98 acres from I-1 (Industrial-1) to PUD-MU (PUD-Mixed Use). The I-1 Industrial District is established as a district in which the principal use of land is for industries which can be operated in a clean and quiet manner. The PUD-Mixed Use District (PUD-MU) is established for the development of new and existing commercial and industrial properties for mixed uses including residential, commercial and light industrial, and is intended to provide for:

- (1) Flexibility in design to take greatest advantage of historic resources while protecting historic and natural resources;
- (2) Greater freedom for developers to submit plans that use a creative approach to land use and adaptive reuse of historic properties, utilizing innovative techniques to enhance the aesthetic quality of the development;
- (3) Efficient use of land and existing utilities and infrastructure which may reduce environmental impact and development costs;
- (4) Simplification of the procedures for obtaining approval of proposed development through timely review of proposed land use, site plan, public needs and other relevant factors.

The PUD-MU zoning must be approved by the City Council, upon recommendation from the Planning Board.

The subject parcel is located in an area of former textile mills and associated structures, most of which have been vacant for years. The subject property is also a former textile mill, however there have been various uses which have occupied the building over the years. This area contains some of the City's most historic resources, however most of the buildings and the entire area has been in a state of decline since the closing of the mills. This property is a notable exception, in that the building has been well-preserved and is more susceptible to adaptive reuse due to its condition. Also its location adjacent to the Smith River makes it a good candidate for redevelopment and possible revitalization of the area. The PUD-MU district is specifically designed for such uses. Staff is of the opinion that this zoning would be suitable for the property, with the following exceptions:

- (1) No new development shall occur and no permits shall be issued until a final development plan is approved subject to all regulations of the PUD-MU district.
- (2) Provisions shall be met in order to protect the natural environment and character of the area.
- (3) Provisions for on-site parking shall be met subject to the regulations of the PUD-MU district.

- (4) The Articles of Incorporation for the owners' association shall be submitted with the Preliminary Development Plan and filed with the Rockingham County Register of Deeds.
- (5) The permit-issuing authority may impose other appropriate or more stringent conditions deemed necessary to protect the public health, safety, and general welfare, and the character of the neighborhood.

Based upon the character of the area and the potential for mixed-use redevelopment of the property, staff recommends approval of the request.

**STAFF RECOMMENDATION:**

**Approval of the PUD-MU request.**

**ZONING CASE**

**Z-18-02**

**AERIAL MAP**



**405 Church Street**

**Zoned:  
Industrial - 1**

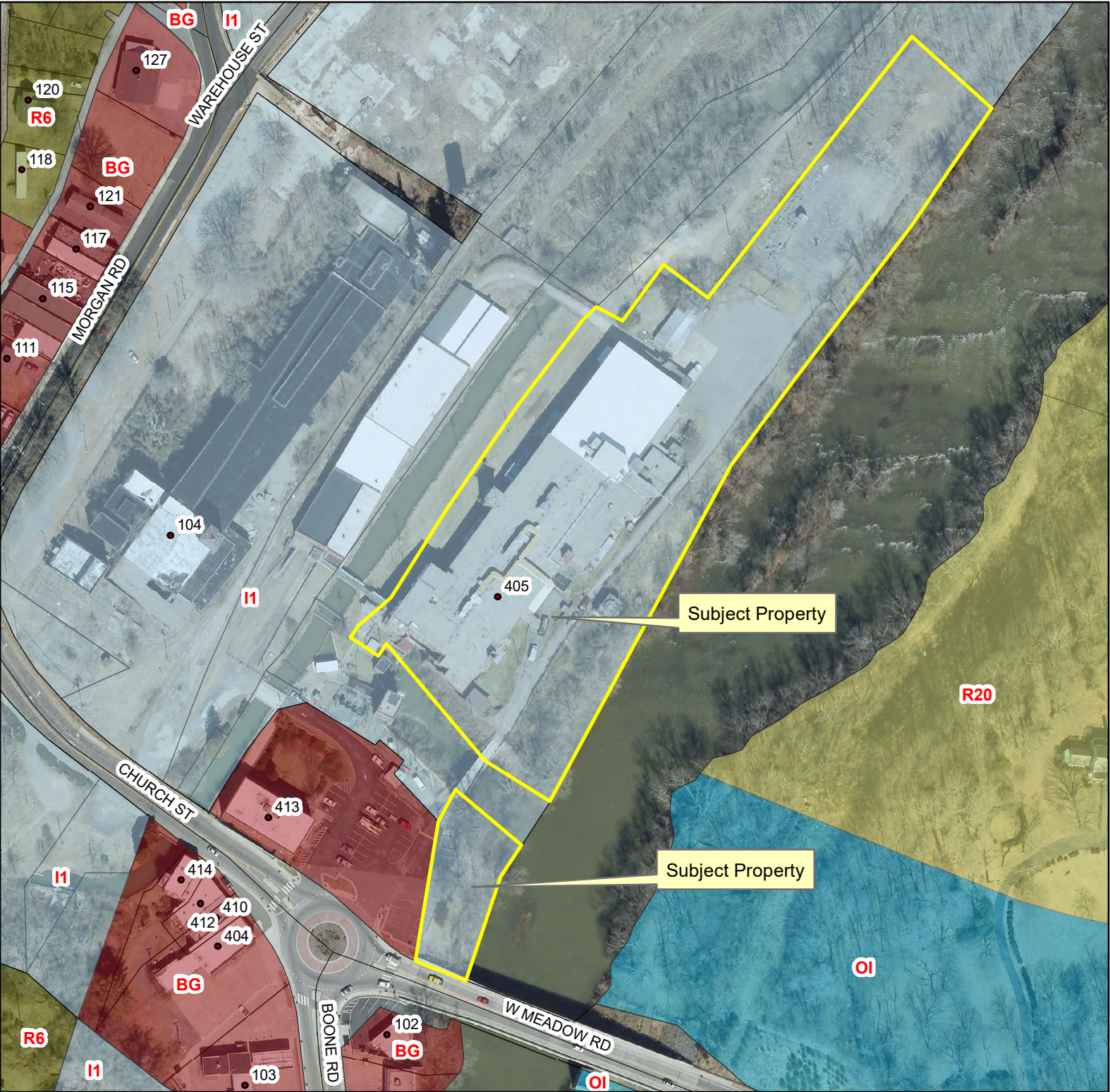
**Requested:  
PUD - MU**



**ZONING CASE**

**Z-18-02**

**ZONING MAP**



**405 Church Street**

**Zoned:  
Industrial - 1**

**Requested:  
PUD - MU**

AN ORDINANCE AMENDING THE ZONING  
ORDINANCE OF THE CITY OF EDEN

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

Section 1 - Change from Industrial-1 to PUD-Mixed Use the following parcels:

BEING all of Parcel F containing 15,987.0 Sq. ft. and all of Parcel J containing 5.608 acres, both as shown on survey entitled "Plat of Survey for Spray Cotton Mills, Leaksville Township, Rockingham County, North Carolina," by C. E. Robertson & Associates and recorded in Map Book 61, Pages 13, 14 & 15, Rockingham County Registry, and as last revised on 10/12/2016 and re-recorded in Map Book 79, Page 62, Rockingham County Registry, to which reference is hereby made for more particularity in description.

TOGETHER WITH and subject to various access easements and pedestrian easements for the properties as shown and described on plats recorded in Map Book 61, Pages 13, 14 & 15, Rockingham County Registry, and on plat recorded in Map Book 79, Page 62, Rockingham County Registry, and in documents recorded in Deed Book 1326, Page 653, Deed Book 1326, Page 668, Deed Book 1424, Page 1746, Deed Book 1424, Page 1754, Deed Book 1448, Page 1157, Deed Book 1530, Page 1030, Deed Book 1530, Page 1033, and Deed Book 1530, Page 1037, Rockingham County Registry.

The above described property being identified by the Rockingham County Tax Department as PIN 7070-15-73-2821 and Parcel Number 177124.

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

APPROVED, ADOPTED AND EFFECTIVE, this 17th day of April, 2018.

CITY OF EDEN

BY: \_\_\_\_\_  
Neville A. Hall, Mayor

ATTEST:

\_\_\_\_\_  
Sheralene Thompson, CMC  
City Clerk

A RESOLUTION ADOPTING A  
STATEMENT OF CONSISTENCY REGARDING  
A PROPOSED AMENDMENT TO THE  
CITY OF EDEN ZONING ORDINANCE  
**CASE NUMBER Z-18-02**  
**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;

WHEREAS, the City of Eden Planning Board received a request to rezone property at 405 Church Street from I-1 (Industrial-1) to PUD-MU (PUD-Mixed Use);

WHEREAS, On March 27, 2018, the City of Eden Planning Board voted to recommend changes to the Zoning Ordinance as follows:

To approve the rezoning of property located at 405 Church Street from I-1 to PUD-MU.

**STATEMENT OF NEED:**

This area contains some of the City's most historic resources, however most of the buildings and the entire area has been in a state of decline since the closing of the mills. This property is a notable exception, in that the building has been well-preserved and is more susceptible to adaptive reuse due to its condition. Also its location adjacent to the Smith River makes it a good candidate for redevelopment and possible revitalization of the area. The PUD-MU district is specifically designed for such uses. This property is located in an area designed as Town Center in the City of Eden Land Development Plan.

**STATEMENT OF CONSISTENCY:**

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

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

WHEREAS, The Eden City Council has considered the written recommendation of the City of Eden Planning Board and has held a public hearing on the proposed amendment, and the Council desires to adopt a statement describing why the adoption of the proposed amendment not is consistent with the City of Eden Land Development Plan, and why the City Council does not consider 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 17th day of April, 2018.

CITY OF EDEN

BY: \_\_\_\_\_  
Neville A. Hall, Mayor

ATTEST:

\_\_\_\_\_  
Sheralene Thompson, CMC  
City Clerk



# City of Eden

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## MEMO

**TO:** Honorable Mayor and City Council  
**THRU:** Brad Corcoran, City Manager  
**FROM:** Kelly K. Stultz, AICP, Director  
**SUBJECT:** **Zoning Case Z-18-03 – 1815 NC 135  
and 2401 Harrington Highway**  
**DATE:** April 3, 2018

The City has received a zoning map amendment request filed by Susan C. Pace and Wanda T. Dyer, Property Owners, to rezone property at 1815 NC 135 and 2401 Harrington Highway from Residential-20 to Business-General.

The Planning and Inspections Department recommends approval of the map amendment request.

At their March 27, 2018, 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.

If you have questions, please contact this office.


*CERTIFICATE SHOWING THAT NOTICES WERE MAILED TO THE OWNER(S) OF PROPERTY SUBJECT TO REZONING AND TO OWNER(S) OF ALL PARCELS OF LAND ABUTTING SUBJECT PROPERTY AND/OR WITHIN 100 FEET OF SUBJECT PROPERTY*

RE: ZONING CASE Z-18-03  
1815 NC 135 and 2401 Harrington Highway

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF EDEN:

I, Kelly K. Stultz, Planning & Inspections Director of the City of Eden North Carolina, do hereby certify that notices of the proposed zoning map amendment requested by Susan C. Pace and Wanda T. Dyer, Property Owners, to rezone the property at 1815 NC 135 and 2401 Harrington Highway from Residential-20 to Business-General were mailed first-class mail to the owners of property in the proposed rezoning and all property owners adjacent to or within 100 feet of the subject area on the 4th day April, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand this the 4th day of April, 2018.

  
\_\_\_\_\_  
Kelly K. Stultz, AICP  
Planning and Inspections Director



PLANNING & INSPECTIONS DEPARTMENT  
APPLICATION FOR ZONING ORDINANCE AMENDMENT  
PETITION FOR MAP AMENDMENT

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

**(1) APPLICANT INFORMATION:**

NAME: Susan C. Pace and Wanda T. Dyer TELEPHONE: \_\_\_\_\_  
MAILING ADDRESS: P O Box 672  
CITY Eden STATE NC ZIP CODE 27289  
APPLICANT'S PROPERTY INTEREST OR LEGAL RELATIONSHIP TO OWNER(S): Owner

**(2) PROPERTY OWNER INFORMATION:**

NAME: SAME TELEPHONE: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_

**(3) PROPERTY INFORMATION:**

TAX PROPERTY IDENTIFICATION NUMBER(S)(PIN): 7969-04-63-3445 and 7969-04-63-1634  
STREET LOCATION: 1815 NC 135 and 2401 Harrington Hwy  
DEED BOOK: 1432 | 799 PAGE NUMBER 1374 | 940  
YEAR CURRENT OWNER ACQUIRED PROPERTY: 2009 & 2012  
PROPERTY SIZE (in acres or in square feet if less than 1 acre): 0.92 & 0.73 acres  
PUBLIC WATER AVAILABLE  YES  NO PUBLIC SEWER AVAILABLE  YES  NO  
CURRENT USE OF PROPERTY: Residential & Vacant

**(4) ZONING INFORMATION:**

EXISTING ZONING DISTRICT: R-20 REQUESTED ZONING DISTRICT: B-G

**(5) ADDITIONAL INFORMATION:**

INCLUDE WITH THIS APPLICATION A COPY OF THE RECORDED DEED TO THE PROPERTY.  
INCLUDE WITH THIS APPLICATION A COPY OF THE RECORDED PLAT OR SURVEY FOR THE PROPERTY. IF SUCH A PLAT DOES NOT EXIST, THEN INCLUDE A MAP THAT INDICATES THE DIMENSIONS OF THE PROPERTY.

**(6) APPLICANT CERTIFICATION:**

I hereby certify that, to the best of my knowledge, the information shown on this application is true and accurate, and that I hereby petition the Planning Board to recommend and the City Council to approve this application for zoning ordinance amendment.

Wanda Z. Ayer 3-8-18  
Applicant's Signature Date of Signature

**(7) PROPERTY OWNER(S) CERTIFICATION:**

I hereby certify that, to the best of my knowledge, the information shown on this application is true and accurate, and that I hereby petition the Planning Board to recommend and the City Council to approve this application for zoning ordinance amendment.

Susan C. Pace 3-9-18  
Property Owner's Signature Date of Signature

Wanda Z. Ayer \_\_\_\_\_  
Property Owner's Signature Date of Signature

**(8) CORPORATION CERTIFICATION:**

IT IS HEREBY CERTIFIED, that \_\_\_\_\_, a Corporation, is the owner in fee simple of lands which is described in this application for zoning ordinance amendment and that the Corporation hereby petitions the Planning Board to recommend and the City Council to approve this application for zoning ordinance amendment.

IN TESTIMONY WHEREOF, that said Corporation has caused these presents to be signed by its duly authorized officer and has caused its Corporate Seal to be affixed thereto.

Witness the signature(s) and seal(s) this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

CORPORATE SEAL

Name of Corporation

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_

\_\_\_\_\_  
President

**DEPARTMENTAL USE ONLY**

APPLICATION NUMBER: 2-18-03

FEE PAID: \$ 150<sup>00</sup>

RECEIVED BY: Nebbia Dalloway

DATE: 3-12-18



**PLANNING AND INSPECTIONS DEPARTMENT  
ZONING CASE REPORT  
March 19, 2018**

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<b>CASE NUMBER:</b>	<b>Z-18-03</b>
<b>EXISTING ZONING DISTRICT:</b>	<b>R-20</b>
<b>REQUESTED ZONING DISTRICT:</b>	<b>BG</b>
<b>APPLICANT:</b>	<b>Susan C. Pace and Wanda T. Dyer</b>
<b>APPLICANT'S STATUS:</b>	<b>Property Owners</b>

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**PROPERTY INFORMATION**

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<b>LOCATION:</b>	1815 NC 135 and 2401 Harrington Highway
<b>PIN:</b>	7969-04-63-3445 and 7969-04-63-1634
<b>SIZE:</b>	.92 acres and .73
<b>ACCESS:</b>	NC 135 and Harrington Highway
<b>LAND USE:</b>	Residential
<b>PHYSICAL CHARACTERISTICS:</b>	Single-family residence and vacant
<b>ZONING HISTORY:</b>	R-20 at time of original ETJ zoning

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**AREA INFORMATION**

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<b>CHARACTERISTICS:</b>	<p><b>1815 NC 135:</b> Bordered on the north by vacant R-20 property; bordered on the east by BG property containing a mini-storage facility; bordered on the west by BG property containing a single-family residence; bordered on the south (across NC 135) by BG property containing single-family residences.</p> <p><b>2401 Harrington Highway:</b> Bordered on the north by R-20 property containing a single-family residence; bordered on the east by BG property containing a mini-storage facility; bordered on the west (across Harrington Highway) by R-20 and BG property containing single-family residences; bordered on the south by BG and R-20 property containing single-family residences.</p>
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ADJACENT ZONING:	North:	R-20
	South:	BG, R-20
	East:	BG
	West:	BG, R-20

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**PLANNING AND DEVELOPMENT INFORMATION**

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STREET IMPROVEMENTS:	Yes
PUBLIC WATER AVAILABLE:	Yes
PUBLIC SEWER AVAILABLE:	Yes
LAND DEVELOPMENT PLAN (2007):	Town Center
FLOOD HAZARD AREA:	No
WATER SUPPLY WATERSHED:	WS-IV

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**STAFF ANALYSIS**

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The request is to rezone approximately 1.65 acres (total) from R-20 to BG. The R-20 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 protect existing residential areas with minimum lot sizes of 20,000 square feet and to encourage, in selected portions of the incorporated area, the subdivision of undeveloped property into lots with a minimum of 20,000 square feet. The B-G 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 the land is for dispersing 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 subject parcels are located in an area of mixed residential and commercial uses on the western edge of the city limits. There has been no recent development pressure in the area. The formerly residential area has become increasingly commercial over the years. There is also an I-2 property containing a contractor storage yard in the area. It is unlikely that any residential development pressure would occur in this area, as the immediate location is more suited for commercial uses due to its location at the intersection of two major traffic arteries. Due to the existing commercial uses in the area, and the proximity of two major roads, staff is of the opinion that these properties are more suited for commercial uses, and the BG designation would be appropriate.

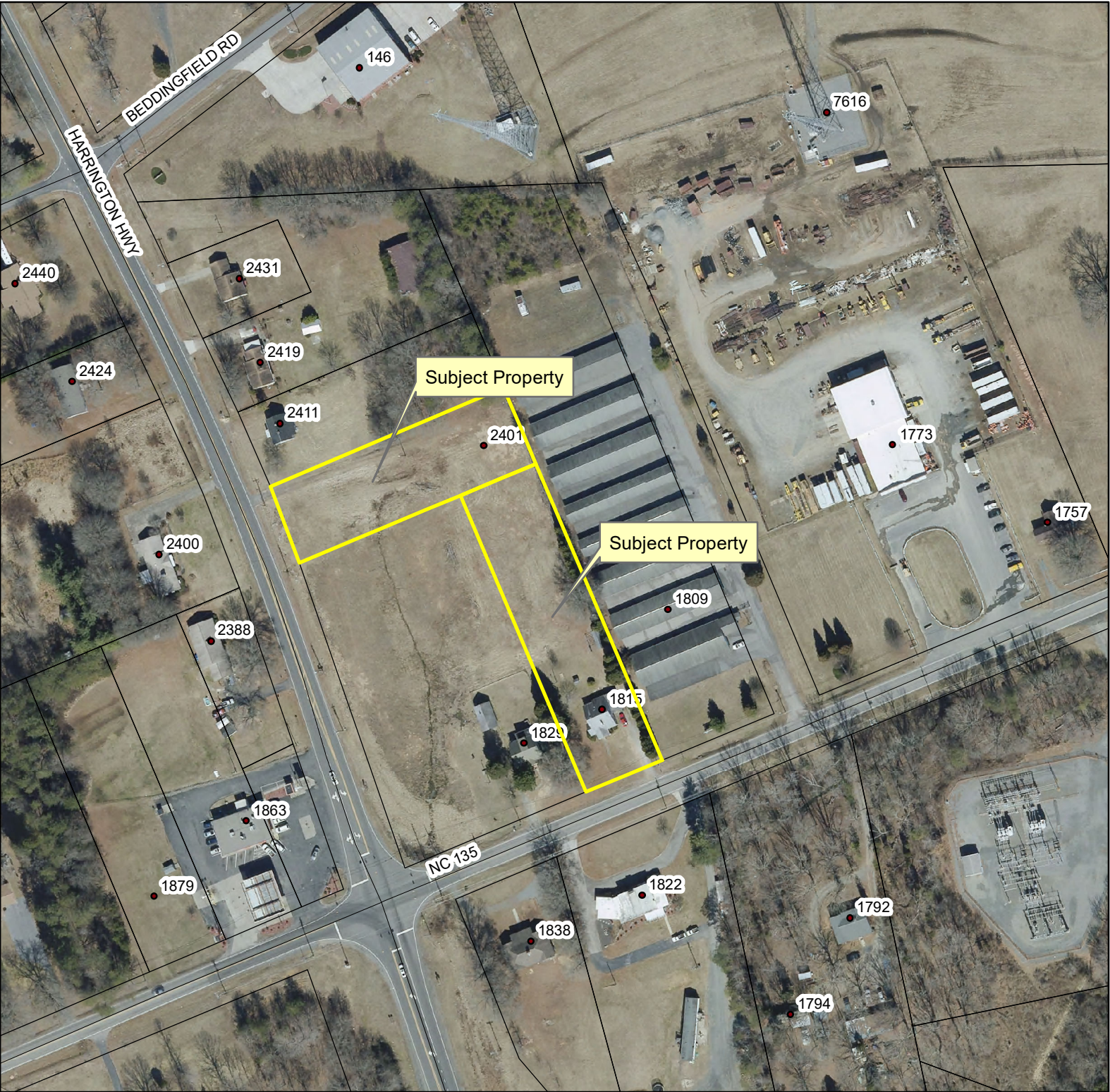
Based upon the character of the area and the mixed commercial and residential uses in the area, staff recommends approval of the request.

**STAFF RECOMMENDATION:** **Approval of the BG request.**

**ZONING CASE**

**Z-18-03**

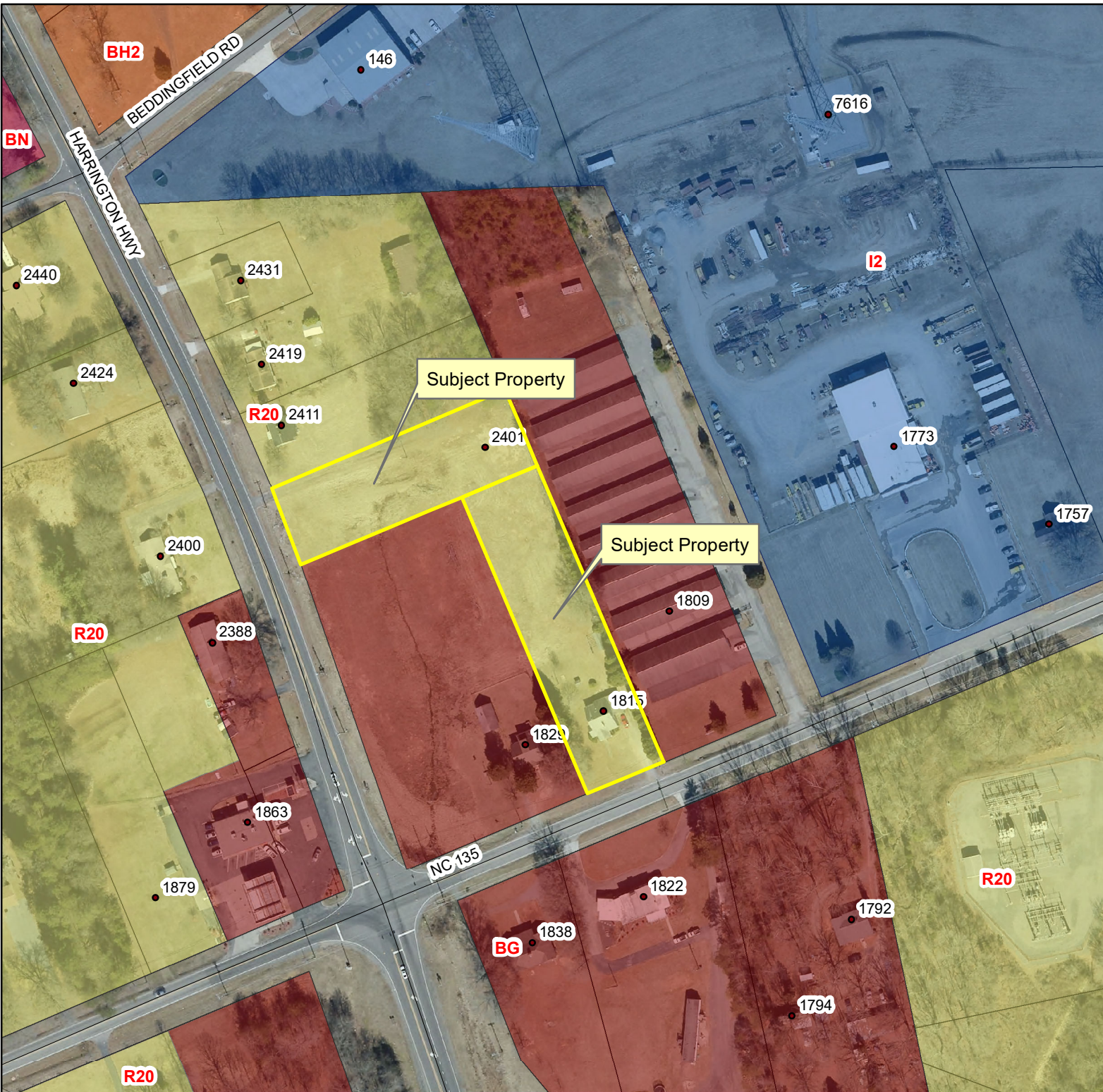
**AERIAL MAP**



**1815 NC 135 and  
2401 Harrington Hwy**

**Zoned:  
Residential - 20**

**Requested:  
Business - General**



**ZONING CASE**  
**Z-18-03**  
**ZONING MAP**



**1815 NC 135 and  
2401 Harrington Hwy**

**Zoned:  
Residential - 20**

**Requested:  
Business - General**

AN ORDINANCE AMENDING THE ZONING  
ORDINANCE OF THE CITY OF EDEN

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

Section 1 - Change from Residential-20 to Business-General the following parcels:

PARCEL 1:

BEGINNING at a stake on the north edge of the Leaksville-Madison Road (now defined as State Highway No.770); thence North 19 deg. 51' West 400 feet to a stake, the southeast corner of Lot No. 70; thence North 70 deg. 09' West 100 feet to a stake; thence South 16 deg. 38' East with the dividing line of lots 26 and 27, 400 feet to a stake on the north edge of the Leaksville-Madison Road; thence with the north edge of said Leaksville-Madison Road North 70 deg. 09' East 100 feet to a stake, the point of beginning, same being lots Nos. 25 and 26 as per map of J. S. Trogdon, of the re-division of the P. W. Ziglar property as recorded in the office of the Register of Deeds of Rockingham County. Deed Reference: Book 361, page 485 and Book 1432, page 799.

The above described property being commonly known as 1815 NC 135 and identified by the Rockingham County Tax Department as PIN 7969-04-63-3445 and Parcel Number 133467.

PARCEL 2:

BEGINNING at a stake set in the eastern edge of a dirt road, which stake is N. 16 deg. 38' W. approximately 400 feet from where said dirt road intersects with the Leaksville-Madison hard surfaced highway and which beginning point is also a rear corner with Lot No. 31; thence with said dirt road N. 16 deg. 38' W. 100 feet to a stake, a corner between Lots Nos. 71 and 72; thence with the dividing line between Lots 71 and 72, and parallel with the Leaksville-Madison hard surfaced highway N. 70 deg. 09' E. approximately 325 ft. to a stake, a rear corner between Lots 71 and 72; thence with the dividing line between Lots No. 24 and the rear line of Lots 70 and 71, 100 feet to a stake, a corner of Lot No. 25; thence parallel with the Leaksville-Madison hard surfaced highway S. 70 deg. 09' West 327. 5 feet to a stake set in the edge of the dirt road, the point of beginning and being Lots Nos. 70 and 71, as per map of the P. W. Ziglar property dated July 16, 1937, and revised July 7, 1945, by J. S. Trogdon, Eng., which map is recorded in map book 3, page 53, and to which reference is hereby made.

The above described property being commonly known as 2401 Harrington Hwy and identified by the Rockingham County Tax Department as PIN 7969-04-63-1634 and Parcel Number 133463.

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

APPROVED, ADOPTED AND EFFECTIVE, this 17th day of April, 2018.

CITY OF EDEN

BY: \_\_\_\_\_  
Neville A. Hall, Mayor

ATTEST:

\_\_\_\_\_  
Sheralene Thompson, CMC  
City Clerk

A RESOLUTION ADOPTING A  
STATEMENT OF CONSISTENCY REGARDING  
A PROPOSED AMENDMENT TO THE  
CITY OF EDEN ZONING ORDINANCE  
**CASE NUMBER Z-18-03**  
**MAP AMENDMENT**

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

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

WHEREAS, the City of Eden Planning Board received a request to rezone property at 1815 NC 135 and 2401 Harrington Highway from R-20 to BG;

WHEREAS, On March 27, 2018, the City of Eden Planning Board voted to recommend changes to the Zoning Ordinance as follows:

To rezone property located at 1815 NC 135 and 2401 Harrington Highway from R-20 to BG.

STATEMENT OF NEED:

It is unlikely that any residential development pressure would occur in this area, as the immediate location is more suited for commercial uses due to its location at the intersection of two major traffic arteries. Due to the existing commercial uses in the area, and the proximity of two major roads, staff is of the opinion that these properties are more suited for commercial uses, and the BG designation would be appropriate. This area is designated as a Town Center in the City of Eden Land Development Plan.

STATEMENT OF CONSISTENCY:

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

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

WHEREAS, The Eden City Council has considered the written recommendation of the City of Eden Planning Board and has held a public hearing on the proposed amendment, and the Council desires to adopt a statement describing why the adoption of the proposed amendment not is consistent with the City of Eden Land Development Plan, and why the City Council does not consider 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 17th day of April, 2018.

CITY OF EDEN

BY: \_\_\_\_\_  
Neville A. Hall, Mayor

ATTEST:

\_\_\_\_\_  
Sheralene Thompson, CMC  
City Clerk





# Planning and Inspections Department

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

## MEMO

**TO:** Honorable Mayor and City Council  
**THRU:** Brad Corcoran, City Manager  
**FROM:** Kelly K. Stultz, AICP, Director  
**SUBJECT:** **City Code Amendment CCA-18-01**  
**DATE:** April 4, 2018

As I considered the implications of our Strategic Plan and the Steering Committee, I realized that this group should have the same status as our other Planning Organization boards and commissions. In order to distinguish between this group and the Planning Board, we recommend that their official name should be the Strategic Planning Commission. The need for ongoing attention to our community standards and our future is of the utmost importance and should be ongoing.

The Planning and Inspections Department recommends approval of the amendment request.

At their March 28, 2017, regular meeting, the Planning Board voted to recommend that the City Council approve this amendment to the Eden City Code.

If you have questions, please contact this office.

**PLANNING AND INSPECTIONS DEPARTMENT  
CITY CODE AMENDMENT REPORT  
March 19, 2018**

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**CASE NUMBER:** CCA-18-01

**REQUESTED ACTION:** To amend Chapter 2, Article III of the Eden City Code to add Division 9 – Strategic Planning Commission.

**APPLICANT:** Planning Board

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**EXISTING TEXT**

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**Chapter 2, Article III: Division 9**

(Does not exist)

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**PROPOSED TEXT**

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**Chapter 2, Article III: Division 9 – Strategic Planning Commission.**

**Sec. 2-148. Created.**

The City of Eden Strategic Planning Commission is hereby created pursuant to Chapter 160A-361 of the N.C. Gen. Statutes and the provisions of this ordinance.

**Sec. 2-149. 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 (3) 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.

**Sec. 2-150. 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 or more than 30% of the meetings in a calendar year 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.

### **Sec. 2-151. 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.

- (1) 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.
- (2) 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.
- (3) 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:
  - (a) 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.
  - (b) 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.
  - (c) 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.

- (d) 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.
- (4) 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.

**Sec. 2-152. 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.

**Sec. 2-153. General powers and duties.**

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

- (1) 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;
- (2) To identify needs and problems growing out of those needs;
- (3) 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;

- (4) 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;
- (5) To keep the City Council and the general public informed and advised as to these matters;
- (6) 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
- (6) To perform any other duties that may lawfully be assigned to it.

**Sec. 2-154. 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.

**Sec. 2-155. Annual 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.

**Sec. 2-156. 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.

**Sec. 2-157. Reserved.**

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**GENERAL INFORMATION**

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This request was submitted by the Planning Board.

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**STAFF ANALYSIS**

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This amendment was initiated to create the Strategic Planning Commission pursuant to Chapter 160A-361 of the N.C. General Statutes and the provisions of the ordinance. The Strategic Planning Commission is created to oversee the work of the City's Strategic Plan, so that all activities of the plan are carried out according to the City Code and the Zoning Ordinance.

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

**STAFF RECOMMENDATION:**

**Approval of the text amendment.**

AN ORDINANCE AMENDING THE  
CITY CODE OF THE CITY OF EDEN

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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, Chapter 2, Article III, of the Eden City Code is hereby amended to add the following Division 9 Strategic Planning Commission:

*DIVISION 9 STRATEGIC PLANNING COMMISSION*

**§ 2-148. Created.**

The City of Eden Strategic Planning Commission is hereby created pursuant to Chapter 160A-361 of the N.C. Gen. Statutes and the provisions of this ordinance.

**§ 2-149. 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 (3) 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.

**§ 2-150. 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 or more than 30% of the meetings in a calendar year 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.

**§ 2-151. 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.

- (1) 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.
- (2) 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.

- (3) 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:
- (a) 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.
  - (b) 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.
  - (c) 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.
  - (d) 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.
- (4) 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.

**§ 2-152. 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.

**§ 2-153. General powers and duties.**

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

- (1) 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;
- (2) To identify needs and problems growing out of those needs;
- (3) 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;
- (4) 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;
- (5) To keep the City Council and the general public informed and advised as to these matters;
- (6) 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
- (6) To perform any other duties that may lawfully be assigned to it.

**§ 2-154. 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.

**§ 2-155. Annual 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.

**§ 2-156. 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.

**§ 2-157. Reserved.**

APPROVED, ADOPTED AND EFFECTIVE, this 17th day of April, 2018.

CITY OF EDEN

BY: \_\_\_\_\_  
Neville A. Hall, Mayor

ATTEST:

\_\_\_\_\_  
Sheralene Thompson,  
CMC, MMC, NCCMC  
City Clerk



# Planning and Inspections Department

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

## MEMO

**To:** Honorable Mayor and City Council  
**Thru:** Brad Corcoran, City Manager  
**From:** Kelly K. Stultz, AICP, Director  
**Subject:** **Voluntary Annexation Petition**  
**343 Wilshire Drive**  
**Date:** April 4, 2018

At your March regular meeting, you instructed the City Clerk to investigate the sufficiency of a petition for voluntary annexation for the property located at 343 Wilshire Drive owned by Northridge Development Corp.

With the assistance of the City Attorney, we have determined that proper signatures were placed on the petition and that the owner listed above is the owner of the property identified on the Petition.

Attached you will find a map of the property in question and a certificate of sufficiency executed by the City Clerk.

This type of annexation does not have the same requirements as does an involuntary annexation. However, there are requirements with regard to fire service.

Please accept the certificate of sufficiency and call a public hearing for your May regular City Council meeting.

If you have any questions, please give me a call.



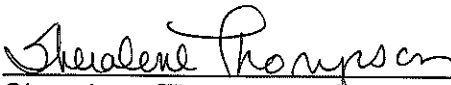


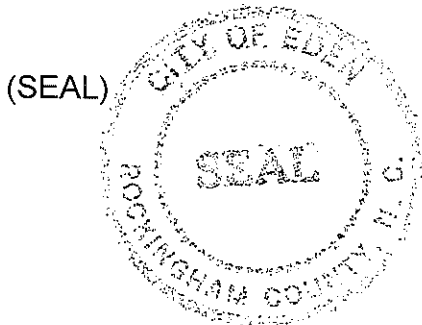
**CERTIFICATE OF SUFFICIENCY**

To the City Council of the City of Eden, North Carolina:

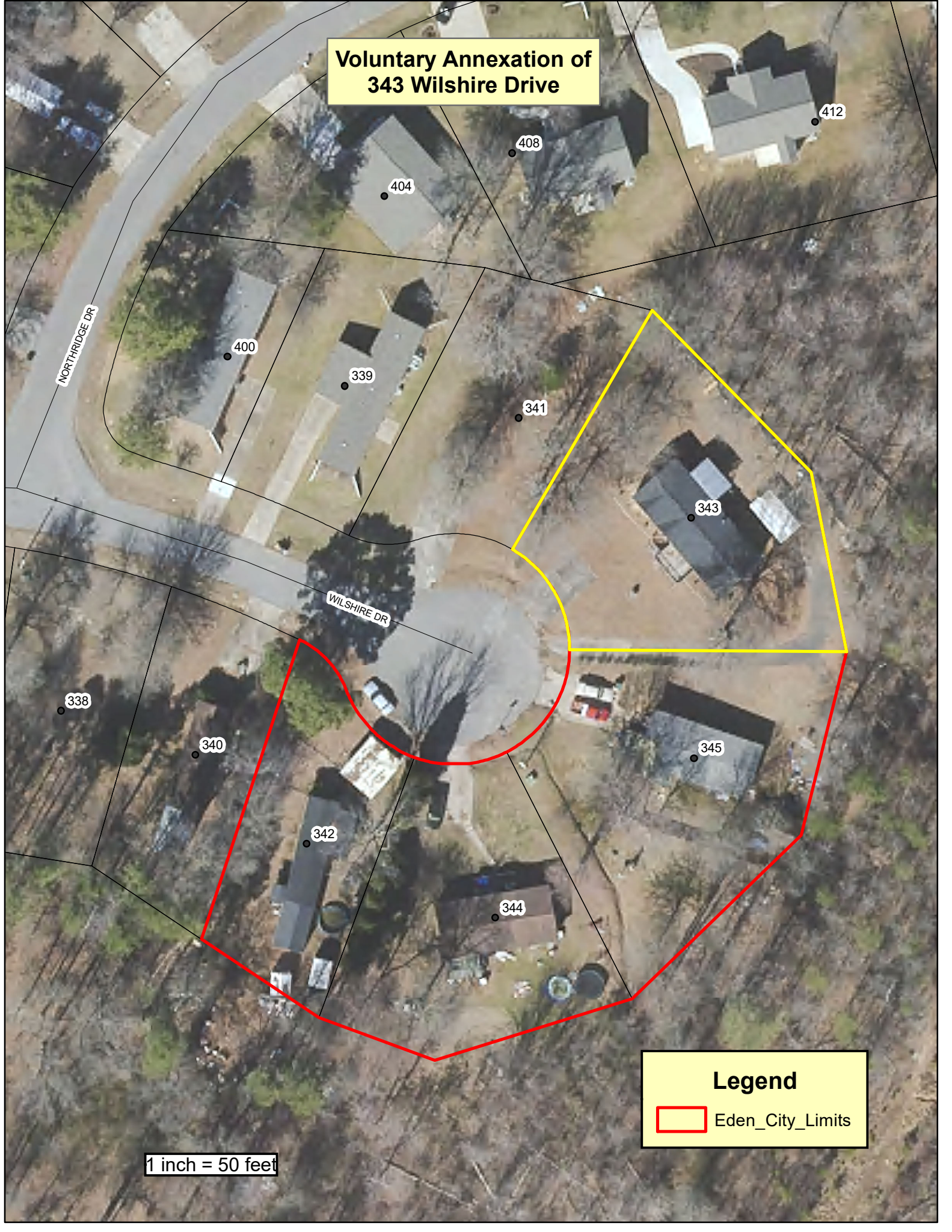
I, Sheralene Thompson, City Clerk, do hereby certify that I have investigated the Petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1 and 160A-58.2.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the City of Eden, this 5<sup>th</sup> day of March, 2018.

  
\_\_\_\_\_  
Sheralene Thompson, CMC  
City Clerk



# Voluntary Annexation of 343 Wilshire Drive




NORTHBRIDGE DR

WILSHIRE DR

1 inch = 50 feet

**Legend**

 Eden\_City\_Limits

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

WHEREAS, a Petition 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 Petition at their meeting on March 20, 2018; and

WHEREAS, certification by the City Clerk of the City of Eden as to the sufficiency of the Petition 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 area described herein will be held in the Eden City Hall in the City Council Chamber at 6:00 P.M. on May 15, 2018.

Section 2. The area proposed for annexation is described as follows:

Being all of Lot 11, Section A, Phase One, Northridge Mobile Home Subdivision, as recorded in Map Book 22, page 10, Rockingham County Registry, to which plat reference is hereby made for a more complete description.

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 17th day of April, 2018.

CITY OF EDEN

BY: \_\_\_\_\_

Neville A. Hall, Mayor

ATTEST:

\_\_\_\_\_  
Sheralene Thompson, CMC  
City Clerk



# City of Eden

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## MEMO

**TO:** Honorable Mayor and City Council  
**THRU:** Brad Corcoran, City Manager  
**FROM:** Kelly K. Stultz, AICP, Director  
**SUBJECT:** Annexation Request – 344 Wilshire Drive  
**DATE:** April 4, 2018

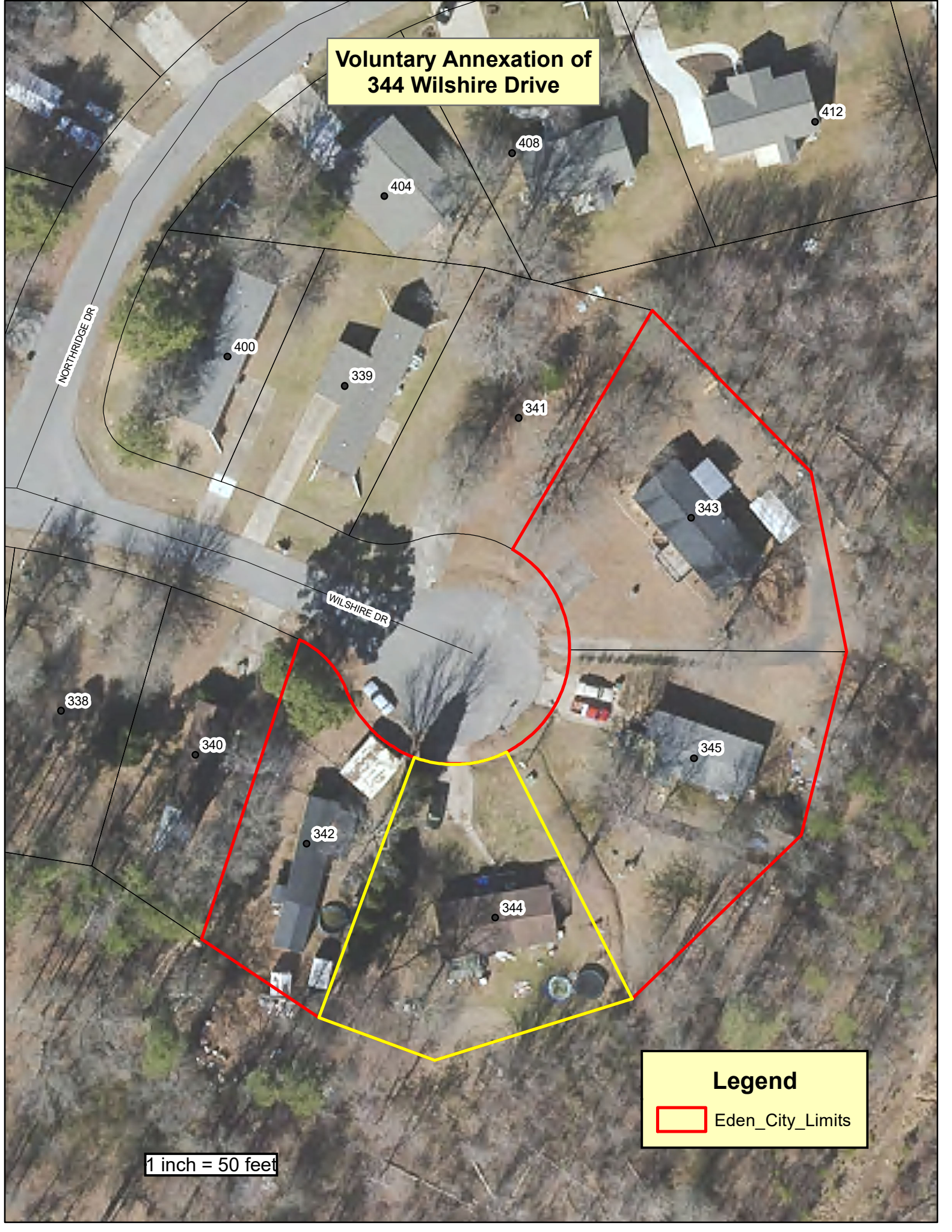
The City has received a voluntary annexation request for property located at 344 Wilshire Drive.

A motion to adopt a “Resolution Directing the Clerk to Investigate a Petition Received under G.S. 160A-58.1” is in order.





# Voluntary Annexation of 344 Wilshire Drive



**Legend**

Eden\_City\_Limits

1 inch = 50 feet

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE**  
**A PETITION RECEIVED UNDER N.C.G.S. 160A-58.1**

WHEREAS, a Petition requesting annexation of a lot described in said Petition were received on March 26, 2018, by the City Council of the City of Eden; and

WHEREAS, N.C.G.S. 160A-58.2 provides that the sufficiency of the Petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Eden deems it advisable to proceed in response to these requests for annexation:

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

The City Clerk is hereby directed to investigate the sufficiency of the above described Petition and to certify as soon as possible to the City Council the result of her investigation.

This the 17th day of April, 2018.

CITY OF EDEN

BY: \_\_\_\_\_  
Neville A. Hall, Mayor

ATTEST:

\_\_\_\_\_  
Sheralene Thompson, CMC  
City Clerk



# **Planning and Inspections Department**

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

## **MEMO**

**To:** Honorable Mayor and City Council  
**Thru:** Brad Corcoran, City Manager  
**From:** Debbie Galloway  
**Subject:** **Boards and Commissions Appointments**  
**Date:** April 4, 2018

The following members of the Community Appearance Commission have missed three or more consecutive meetings; therefore, according to the City Code, these members have lost their seats on the Commission and must be either replaced or reappointed. Please consult with these people (if reappointed) or with any potential new members to make sure they have the time and interest to serve on the Commission. The Commission meets on the first Tuesday of each month at 5:30. I will be happy to discuss with you or any potential nominees the duties of the Commission and the responsibilities of Commission members before accepting a nomination.

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

**Ann Fair – Ward 1 (Councilman Moore)**  
**Pam Adkins – Ward 2 (Councilman Burnette)**  
**Raven Brown – Ward 7 (Mayor Hall)**



# Planning and Inspections Department

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

## MEMO

**To:** Honorable Mayor and City Council  
**Thru:** Brad Corcoran, City Manager  
**From:** Kelly K. Stultz, AICP, Director  
**Subject:** **Bridge Street Municipal Parking Lot Project**  
**Date:** April 6, 2018

The Contract Documents have been prepared and the Advertisement For Bids will be published on Sunday, April 8 and Wednesday, April 11, 2018. The bids will be opened at 10:00 a.m. on April 17, 2018, in the front conference room of City Hall.

Attached are copies of the Contract Documents Cover Page, General Description and a map of the project area.

The bid summary and a recommendation to award the bid for this project will be given to you at the Council meeting. If you would like to receive a copy of the documents as soon as we have them available and prior to your arrival, please let us know and we will email it to you.

**CITY OF EDEN  
PLANNING AND INSPECTIONS DEPARTMENT  
EDEN, N.C.**



**CONTRACT DOCUMENTS**

**CONTRACT: BRIDGE STREET MUNICIPAL PARKING LOT**

**CONTRACT NUMBER: BS-1**

**DATE AND TIME OF BID OPENING: TUESDAY, APRIL 17, 2018 – 10:00 A.M.**

**LOCATION OF BID OPENING: EDEN CITY HALL  
FRONT CONFERENCE ROOM  
308 EAST STADIUM DRIVE  
EDEN, NC 27288**

**COUNTY ROCKINGHAM**

**TYPE OF WORK STRUCTURE ADJUSTMENT, PAVING, GRADING**

**LOCATION OF WORK 709 BRIDGE STREET, EDEN, NC**

**PROJECT MANAGER KELLY K. STULTZ**

**NOTICE:** ALL BIDDERS SHALL COMPLY WITH ALL APPLICABLE LAWS REGULATING THE PRACTICE OF GENERAL CONTRACTING AS CONTAINED IN CHAPTER 87 OF THE GENERAL STATUTES OF NORTH CAROLINA WHICH REQUIRES THE BIDDER TO BE LICENSED BY THE N.C. LICENSING BOARD FOR CONTRACTORS WHEN BIDDING ON ANY NON-FEDERAL AID PROJECT WHERE THE BID IS \$30,000 OR MORE, EXCEPT FOR CERTAIN SPECIALTY WORK AS DETERMINED BY THE LICENSING BOARD. BIDDERS SHALL ALSO COMPLY WITH ALL OTHER APPLICABLE LAWS REGULATING THE PRACTICES OF ELECTRICAL, PLUMBING, HEATING AND AIR CONDITIONING AND REFRIGERATION CONTRACTING AS CONTAINED IN CHAPTER 87 OF THE GENERAL STATUTES OF NORTH CAROLINA.

**THIS IS A ROADWAY PROPOSAL - 5% BID BOND OR BID DEPOSIT REQUIRED**

## **GENERAL DESCRIPTION**

The scope of work consists of adjusting one drop inlet, removing approximately 6” of subgrade and replacing with 6” of ABC stone, fine grading and reconditioning 23,000 sf of existing stone base, removal of an existing 3,000 sf concrete slab and undercutting if needed, applying 550 ton of ABC stone, 2” of Asphalt base course and 1.5” of asphalt surface course and backfilling the edges of new paving with ABC stone. See attached map at the end of the bid documents for additional information.

## **PROJECT SPECIAL PROVISIONS - GENERAL**

### **CONTRACT TIMES & LIQUIDATED DAMAGES:**

The date of availability for the contract is **WEDNESDAY, APRIL 18, 2018**

The completion date for this contract is **JUNE 15, 2018**.

The liquidated damages for this contract are **Eight Hundred Dollars (\$800.00)** per calendar day.

### **DAY AND TIME RESTRICTIONS:**

**Monday thru Friday 7:00 P.M. to 8:00 A.M.  
Friday 7:00 P.M. to Monday 8:00 A.M.**

**Time restrictions will be strictly enforced. The Contractor will be expected to be on site each day by 8:00 a.m. and out of the street by 7 p.m. Work after sunset will not be permitted.**

In addition, the Contractor shall not close or narrow a lane of traffic, detain and/or alter the traffic flow on or during holidays, holiday weekends, special events, or any other time when traffic is usually heavy.

### **PROSECUTION OF WORK:**

The Contractor will be required to prosecute the work in a continuous and uninterrupted manner from the time he begins the work until completion and final acceptance of the project. The Contractor will not be permitted to suspend his operations except for reasons beyond his control or except where the Project Manager has authorized a suspension of the Contractor's operations in writing.

In the event that the Contractor's operations are suspended in violation of the above provisions, the sum of \$800.00 will be charged the Contractor for each and every calendar day that such suspension takes place. The said amount is hereby agreed upon as liquidated damages due to extra engineering and maintenance costs and due to increased public hazard resulting from a suspension

of the work. Liquidated damages chargeable due to suspension of the work will be additional to any liquidated damages that may become chargeable due to failure to complete the work on time.

**CONTRACTOR'S LICENSE REQUIREMENTS:**

The bidder shall be licensed by the North Carolina Licensing Board for General Contractors where the bid is \$30,000 or more. Bids received from bidders not meeting this requirement will be considered non-responsive and will not be considered for award. This project will require a contractor's license, Highway Classification.

**E-VERIFY REQUIREMENTS:**

Affidavit of Compliance with N.C. E-Verify Statues – As a result of House Bill 786 which became law on September 4, 2013, the City of Eden is requesting your company fill out and submit the affidavit, on Page 13, to the City of Eden along with your Bid Proposal for compliance purposes.

The new law prohibits local governments from contracting with contractors/companies who do not comply with E-Verify requirements. This law also applies to any subcontractors that you may hire.

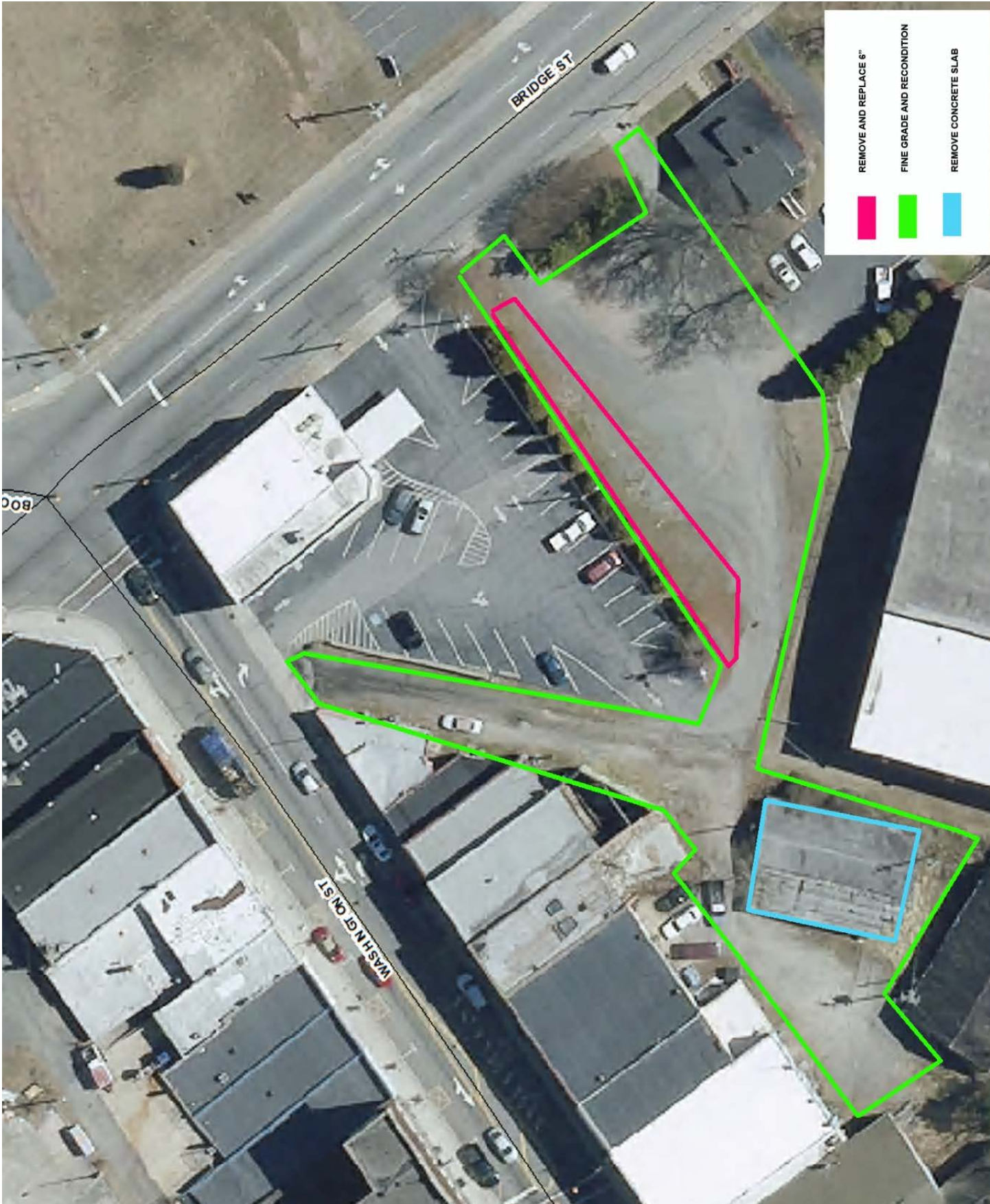
Please understand your company is not obligated to fill out and/or submit the affidavit; however, failure to do so could prohibit the City of Eden from contracting with your company.

**SALES TAX:**

If the contractor is required to pay sales tax on the hot asphalt mix, the City shall require the contractor to purchase all asphalt hot mix from a North Carolina asphalt plant so only North Carolina sales tax shall apply.

The sales tax is not to be included in any unit bid price on the Bid Proposal or in the total Bid Price. The Bid Proposal shall state that only North Carolina sales tax shall be reimbursed by the City. The City of Eden will not reimburse the contractor for any Virginia sales tax that may be charged to the contractor. The total sales tax must be listed separately on each pay application. A Sales Tax Report must also be submitted along with proof of sales tax with each pay application.





BRIDGE ST

808

WASH CT ON ST

REMOVE AND REPLACE 6"

FINE GRADE AND RECONDITION

REMOVE CONCRETE SLAB





# Planning and Inspections Department

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

## MEMO

**To:** Honorable Mayor and City Council  
**Thru:** Brad Corcoran, City Manager  
**From:** Kelly K. Stultz, AICP, Director  
**Subject:** Human Habitation Standards Action/1254 Irving Avenue  
**Date:** April 4, 2018

Attached you will find a section of the Human Habitation Standards Ordinance relating to the steps to be taken when an owner fails to comply with an order to repair or demolish. Also attached is a copy of the Complaint and Notice of Hearing which sets out the violations found at the initial inspection and a copy of the Findings of Fact and Order. The City of Eden Human Habitation Standards Ordinance and the enabling legislation permit the City Council, upon adoption of an Ordinance, to order the repair or demolition of the structure. The Eden Fire Department has agreed to burn this structure as part of their training.

The costs associated with this structure will be the removal of a small amount of asbestos in the kitchen flooring and the disposal at First Piedmont Corporation Landfill in Ringgold, Virginia. That asbestos will be removed and bagged by VAC Environmental for the amount of \$500.00. An employee of the City of Eden will need to carry the bagged asbestos from this property along with small amounts removed from 2 other properties to Ringgold and get a receipt for the disposal.

Staff recommends that the fire department be authorized to burn the structure and the above-referenced steps taken to comply with federal, state and local regulations.

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

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

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

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

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

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

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

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

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

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

COMPLAINT AND NOTICE OF HEARING BEFORE  
HOUSING INSPECTOR UNDER HOUSING CODE

**TO:** Owners and parties in interest in the property located at 1254 IRVING AVENUE of the City of Eden, North Carolina.

JOHN N. BRIM; all assignees, heirs at law and devisees of JOHN N. BRIM together with all creditors and lienholders regardless of how or through whom they claim, and any and all persons claiming any interest in the estate of JOHN N. BRIM, if deceased;

SYLVIA BRIM BATTLE; all assignees, heirs at law and devisees of SYLVIA BRIM BATTLE together with all creditors and lienholders regardless of how or through whom they claim, and any and all persons claiming any interest in the estate of SYLVIA BRIM BATTLE, if deceased;

ROBERT R. BRIM, all assignees, heirs at law and devisees of ROBERT R. BRIM together with all creditors and lienholders regardless of how or through whom they claim, and any and all persons claiming any interest in the estate of ROBERT R. BRIM, if deceased; and

ELLIS R. BRIM, all assignees, heirs at law and devisees of ELLIS R. BRIM together with all creditors and lienholders regardless of how or through whom they claim, and any and all persons claiming any interest in the estate of ELLIS R. BRIM, if deceased;

Sylvia Brim Battle  
1017 Galloway Street  
Eden, NC 27288

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

**Dilapidation, decay, unsanitary conditions or disrepair**

**YOU ARE FURTHER NOTIFIED** that a hearing will be held before the Housing Inspector of the City of Eden at 308 East Stadium Dr. at 9:00 A.M., March 2, 2017, for the purpose of finding the facts as to whether or not the condition of such property falls within the scope of the above mentioned sections of the Housing Code. At the hearing, you shall be entitled to offer such evidence as is relevant to material to the questions sought to be determined or the remedies to be effected.

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

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

This the 2nd day of February, 2017

s/Kelly K. Stultz, Director  
Planning and Inspections Department

**FINDING OF FACT AND ORDER**

**TO:** Owners and parties in interest in the property located at 1254 IRVING AVENUE of the City of Eden, North Carolina.

ROBERT R. BRIM, all assignees, heirs at law and devisees of ROBERT R. BRIM together with all creditors and lienholders regardless of how or through whom they claim, and any and all persons claiming any interest in the estate of ROBERT R. BRIM, if deceased; and

John N. Brim  
115 Chestnut Street, Apt 1C  
Eden, NC 27288

Sylvia Brim Battle  
1017 Galloway Street  
Eden, NC 27288

Ellis R. Brim  
115 Chestnut Street, Apt 1C  
Eden, NC 27288

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

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

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

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

**Dilapidation, decay, unsanitary conditions or disrepair**

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

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

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

By a date not later than July 31, 2017.

This the 18th day of May, 2017.

City of Eden  
Kelly K. Stultz, AICP  
Director of Planning and Inspections Department

Prepared by and Return to:  
Erin B. Gilley

AN ORDINANCE AND ORDER  
FOR THE DEMOLITION OF  
PROPERTY AT 1254 IRVING AVENUE,  
EDEN, NORTH CAROLINA

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

WHEREAS, on the 1st day of February, 2017, the Director of the Planning and Inspections Department examined the structure owned by John N. Brim, Sylvia B. Battle, Robert R. Brim and Ellis R. Brim at 1254 Irving Avenue, Eden, North Carolina and found it to be unfit for human habitation, that said property is more particularly described as follows:

BEING Lots 21 and 22 as per map of S.B. Dameron for the First National Bank in July 1924 showing property of R. L. Moir and described as follows: BEGINNING at an iron stake the southeast corner of Lot 21, said stake being on the north side of Center Church or new soil road; thence North 20° East 90 feet to a branch, iron stake; thence in a northwesterly direction with the meanderings of said branch to a sycamore tree; thence meandering on with said branch in the same direction to the drive shaft at the northeast corner of Lot #23; thence South 20 East 253.40 feet following the division line of Lots 22 and 23 across Irving Street to an iron stake; thence running with the Center Church or new soil road East 200 feet to the BEGINNING. SAVE AND EXCEPT the following which is a portion of the above described premises which was conveyed to J. H. and W.A. Leisure July 27, 1926, and more particularly described as follows: BEGINNING at a point in Allen Leisure's line on the N.W. side of the Kings Mill Road and running with said road in a northeast direction to the branch at the fill of said road; thence down said branch to an iron stake in Allen Leisure's line; thence with Allen Leisure's line to the POINT OF BEGINNING. For title reference see Deed Book 292, page 627 and Deed Book 921, page 2058.

The above described property being more commonly known as 1254 Irving Avenue, Eden, North Carolina, and being further identified by the Rockingham County Tax Dept. as PIN 7060-20-90-8780-00.

WHEREAS, on the 2nd day of February, 2017, the Director caused to be issued a Complaint and Notice of Hearing for the 2nd day of March, 2017, which was served on the property owners by publishing in the Greensboro New and Record on the 15th and 22nd day of February, 2017; on John N. Brim and Ellis R. Brim by certified mail, return receipt requested on the 3rd day of February, 2017; on Sylvia B. Battle by certified mail, return receipt requested on the 7th day of February, 2017; by first class mail to the address listed with the Rockingham County Tax Department and by posting on the subject property on the 7th day of February, 2017; that the certified mail, return receipt requested, was returned by the U. S. Postal Service marked "unclaimed;" and

WHEREAS, the hearing was held on the 2nd day of March, 2017, and the Director subsequently issued an Order to repair, alter, improve or vacate and demolish the property; and

WHEREAS, a copy of the Order was served on the property owners by publishing in the Rockingham Now on the 24th day of May, 2017, by certified mail, return receipt requested, and first class mail to the address listed with the Rockingham County Tax Department and a copy of the Order was posted on the subject property on the 23rd day of May, 2017; that the certified mail, return receipt requested, addressed to Ellis R. Brim was received on the 19th day of May, 2017; that the certified mail, return receipt requested, addressed to John N. Brim was returned by the U.S. Postal Service marked "Deceased;" and that the certified mail, return receipt requested, addressed to Sylvia B. Battle was returned by the U.S. Postal Service marked "Unclaimed;" and

WHEREAS, the Director caused a Notice of Lis Pendens to be filed in the Office of the Clerk of Superior Court for Rockingham County, North Carolina, on the 16th day of June, 2015, when a previous action for violation of the Human Habitation Standards set out in Article IV of Chapter 4 of the Eden City Code had been initiated on the property; and

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

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

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

IT IS FURTHER ORDERED that a certified copy of this Ordinance and Order shall be recorded in the Office of the Register of Deeds of Rockingham County, North Carolina, and indexed in the name of John N. Brim, Sylvia B. Battle, Robert R. Brim and Ellis R. Brim in the Grantor and Grantee index.

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

APPROVED, ADOPTED AND EFFECTIVE, this 17th day of April, 2018.

CITY OF EDEN

BY: \_\_\_\_\_  
Neville A. Hall, Mayor

ATTEST:

\_\_\_\_\_  
Sheralene Thompson  
CMC, MMC, NCCMC  
City Clerk





# Planning and Inspections Department

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

## MEMO

**To:** Honorable Mayor and City Council  
**Thru:** Brad Corcoran, City Manager  
**From:** Kelly K. Stultz, AICP, Director  
**Subject:** Human Habitation Standards Action/1238 Irving Avenue  
**Date:** April 6, 2018

Attached you will find a section of the Human Habitation Standards Ordinance relating to the steps to be taken when an owner fails to comply with an order to repair or demolish. Also attached is a copy of the Complaint and Notice of Hearing which sets out the violations found at the initial inspection and a copy of the Findings of Fact and Order. The City of Eden Human Habitation Standards Ordinance and the enabling legislation permit the City Council, upon adoption of an Ordinance, to order the repair or demolition of the structure. Four (4) bids were submitted to this department as follows:

Sam W. Smith, Inc.	\$ 4,000.00
J. W. Saunders Construction	\$ 4,500.00
Kenny Frith Grading	\$ 2,900.00
Rabco, Inc.	\$ 3,890.00

Staff recommends that Kenny Frith Grading be awarded the bid for the demolition of the house with the lowest bid being in the amount of \$2,900.00.

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

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

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

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

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

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

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

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

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

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

COMPLAINT AND NOTICE OF HEARING BEFORE  
HOUSING INSPECTOR UNDER HOUSING CODE

**TO:** Owners and parties in interest in the property located at 1238 Irving Avenue (including any accessory structures) of the City of Eden, North Carolina.

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

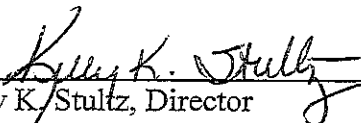
**Dilapidation, decay, unsanitary conditions**

**YOU ARE FURTHER NOTIFIED** that a hearing will be held before the Housing Inspector of the City of Eden at 308 East Stadium Dr. at **9:00 A.M., February 23, 2017**, for the purpose of finding the facts as to whether or not the condition of such property falls within the scope of the above mentioned sections of the Housing Code. At the hearing, you shall be entitled to offer such evidence as is relevant to material to the questions sought to be determined or the remedies to be effected.

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

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

This the 2nd day of February, 2017.

  
\_\_\_\_\_  
Kelly K. Stultz, Director  
Planning and Inspections Department

**FINDING OF FACT AND ORDER**

TO: Owners and parties in interest of the property located at **1238 Irving Avenue (including any accessory structures)**, City of Eden, North Carolina.

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

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

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

**R. Martin Melvin talked to the inspector by telephone**

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

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

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

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

By a date not later than June 9, 2017.

This the 9th day of March, 2017.

  
\_\_\_\_\_  
Joshua Woodall, Codes Inspector

EXHIBIT "A"

Note: Items checked indicate violations applicable to subject property.

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

**DWELLING UNFIT FOR HUMAN HABITATION (Section 4-75)**

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

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

**STRUCTURAL STANDARDS (Section 4-76)**

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

**PLUMBING STANDARDS (Section 4-77a)**

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

Prepared by and Return to:  
Erin B. Gilley

AN ORDINANCE AND ORDER  
FOR THE DEMOLITION OF  
PROPERTY AT 1238 IRVING AVENUE,  
EDEN, NORTH CAROLINA

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

WHEREAS, on the 1st day of February, 2017, the Director of the Planning and Inspections Department examined the structure owned by R. Martin Melvin and wife, Doris Melvin, at 1238 Irving Avenue, Eden, North Carolina and found it to be unfit for human habitation, that said property is more particularly described as follows:

BEGINNING at an iron set in the Southern edge of Irving Avenue, said beginning point being a corner with Lot No. 2, owned by Annie Smith and running thence with the dividing line between said Lot No. 2 and Lot No. 3, South 12 degrees 08' East 91.49 feet to an iron a rear corner between Lots No. 2 and No. 3; thence continuing South 12 degrees 08' East 19 feet to a stake set in the branch; thence and with the run of said branch South 62 degrees 07' East 44.46 feet to an iron, a rear corner between Lots 3 and 4; thence with the dividing line between Lots 3 and 4, North 3 degrees 27' East 5 feet to an iron; thence continuing with the dividing line between Lots 3 and 4, North 3 degrees 27' East 137.37 plus feet to an iron set in the Southern edge of Irving Avenue a front corner between Lots 3 and 4; thence with the Southern edges of Irving Avenue, South 77 degrees 52' West 70 feet to an iron, the POINT OF BEGINNING and containing 6,55 sq. ft. more or less and being Lot No. 3, as per map showing property of subdivision of John Adams, by W. T. Combs, C.E. dated September 4, 1953, to which map reference is hereby made. See Book 367, page 178; Book 396, page 382; and Book 425, page 245, page 249. Also see Book 481, page 171 and Book 661, page 969.

The above described property being more commonly known as 1238 Irving Avenue, Eden, North Carolina, and being further identified by the Rockingham County Tax Dept. as PIN 7070-17-00-1707.

WHEREAS, on the 2nd day of February, 2017, the Director caused to be issued a Complaint and Notice of Hearing for the 23rd day of February, 2017, which was served on the property owners by certified mail, return receipt requested on the 6th day of February, 2017, by first class mail and by posting on the subject property on the 7th day of February, 2017; and

WHEREAS, the hearing was held on the 23rd day of February, 2017, and the Director subsequently issued an Order to repair, alter, improve or vacate and demolish the property; and

WHEREAS, a copy of the Order was served on the property owners by certified mail, return receipt requested, on the 11th day of March, 2017, by first class mail and by posting on the subject property on the 14th day of March, 2017; and

WHEREAS, the Director caused a Notice of Lis Pendens to be filed in the Office of the Clerk of Superior Court for Rockingham County, North Carolina, on the 7th day of April, 2017; and

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

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

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

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

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

APPROVED, ADOPTED AND EFFECTIVE, this 17th day of April, 2018.

CITY OF EDEN

BY: \_\_\_\_\_  
Neville A. Hall, Mayor

ATTEST:

\_\_\_\_\_  
Sheralene Thompson,  
CMC, MMC, NCCMC  
City Clerk



# Planning and Inspections Department

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

## MEMO

**To:** Honorable Mayor and City Council  
**Thru:** Brad Corcoran, City Manager  
**From:** Kelly K. Stultz, AICP, Director  
**Subject:** Human Habitation Standards Action/910 First Street  
**Date:** April 6, 2018

Attached you will find a section of the Human Habitation Standards Ordinance relating to the steps to be taken when an owner fails to comply with an order to repair or demolish. Also attached is a copy of the Complaint and Notice of Hearing which sets out the violations found at the initial inspection and a copy of the Findings of Fact and Order. The City of Eden Human Habitation Standards Ordinance and the enabling legislation permit the City Council, upon adoption of an Ordinance, to order the repair or demolition of the structure. This house has asbestos in the exterior siding so the contractors were ask to submit the asbestos removal as a separate line item. Four (4) bids were submitted to this department as follows:

	<u>Demolition</u>	<u>Asbestos</u>	<u>Total Bid</u>
Sam W. Smith, Inc.	\$ 8,500.00	\$ 8,839.00	\$17,339.00
J. W. Saunders Construction	\$ 8,800.00	\$ 5,839.00	\$14,639.00
Kenny Frith Grading	\$ 6,500.00		\$ 6,500.00
Rabco, Inc.	\$16,900.00	\$ 2,800.00	\$19,700.00

Staff recommends that J. W. Saunders Construction be awarded the bid for the removal of the asbestos and demolition of the house with the lowest bid being in the amount of \$14,639.00.

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



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

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

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

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

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

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

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

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

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

COMPLAINT AND NOTICE OF HEARING BEFORE  
HOUSING INSPECTOR UNDER HOUSING CODE

TO: Owners and parties in interest in the property located at 910 First Street including any accessory structures of the City of Eden, North Carolina.

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

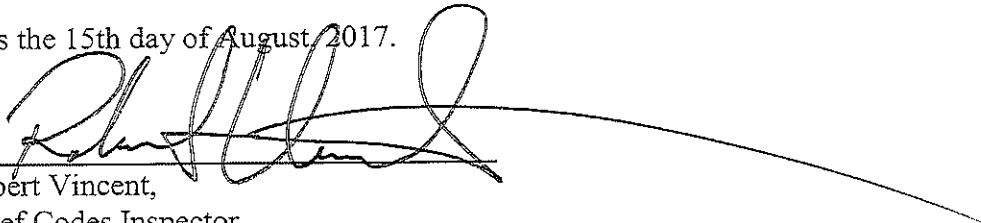
1. **Insufficient floors or roofs.**
2. **Dilapidation, decay, unsanitary conditions or disrepair.**

**YOU ARE FURTHER NOTIFIED** that a hearing will be held before the Housing Inspector of the City of Eden at 308 East Stadium Dr. at **8:30 A.M., September 6, 2017**, for the purpose of finding the facts as to whether or not the condition of such property falls within the scope of the above mentioned sections of the Housing Code. At the hearing, you shall be entitled to offer such evidence as is relevant to material to the questions sought to be determined or the remedies to be effected.

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

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

This the 15th day of August, 2017.

  
Robert Vincent,  
Chief Codes Inspector

**FINDING OF FACT AND ORDER**

TO: Owners and parties in interest of the property located at **910 First Street, including any accessory structures**, City of Eden, North Carolina.

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

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

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

Jill L. Owen

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

1. **Insufficient floors or roofs.**
2. **Dilapidation, decay, unsanitary conditions or disrepair.**

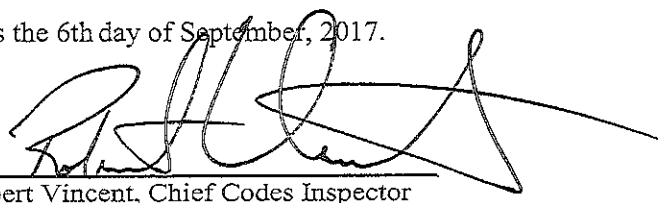
3. Due to conditions, the building and or premises described above is found to be in condition within the meaning of the City Minimum Housing Code.

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

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

By a date not later than **DECEMBER 7, 2017.**

This the 6th day of September, 2017.



Robert Vincent, Chief Codes Inspector

Prepared by and Return to:  
Erin B. Gilley

AN ORDINANCE AND ORDER  
FOR THE DEMOLITION OF  
PROPERTY AT 910 FIRST STREET,  
EDEN, NORTH CAROLINA

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

WHEREAS, on the 15th day of August, 2017, the Director of the Planning and Inspections Department examined the structure owned by Jill L. Owen at 910 First Street, Eden, North Carolina and found it to be unfit for human habitation, that said property is more particularly described as follows:

BEGINNING on the South side of First Street and running thence South 3° 15' West 200 feet to a stake in W.D. Stock's line; thence with Stock's line North 86° 30' West 100 feet to a stake; thence North 3° 15' East 200 feet to a stake on First Street; thence with First Street South 86° 30' East 100 feet to the Place of Beginning; the same being Lots Nos.16 and 17 as per map made by E. M. Eutsler, Civil Engineer, showing Subdivision of Section 1, as per map made by W. Robert Kelley, August 1909, and being the same tract or piece of land which J. W. Leach and wife, Maybud C. Leach, conveyed to Leaksville-Spray Insurance & Realty Company by deed dated 24th day of January, 1920, and recorded in the Register of Deeds office of Rockingham County in Book 208 at Page 234.

See Deeds recorded in the office of the Register of Deeds of Rockingham County in Book 205 at Page 68, Book 366 at Page 26, and Book 651 at Page 101. Also see deed in Book 655 at Page 607.

The above described property being more commonly known as 910 First Street, Eden, North Carolina, and being further identified by the Rockingham County Tax Dept. as PIN 7070-18-22-5474.

WHEREAS, on the 15th day of August, 2017, the Director caused to be issued a Complaint and Notice of Hearing for the 6th day of September, 2017, which was served on the property owner by certified mail, return receipt requested, by first class mail and by posting on the subject property on the 16th day of August, 2017; that the certified mail, return receipt requested, was returned by the U. S. Postal Service marked "Unclaimed;" and

WHEREAS, the property owner, Jill L. Owen, attended the hearing held on the 6th day of September, 2017, and the Director issued an Order to repair, alter, improve or vacate and demolish the property; and

WHEREAS, a copy of the Order was served on the property owner by certified mail, return receipt requested, by first class mail and by posting on the subject property on the 11th day of September, 2017; that the certified mail, return receipt requested was returned by the U. S. Postal Service marked "Unclaimed;" and

WHEREAS, the Director caused a Notice of Lis Pendens to be filed in the Office of the Clerk of Superior Court for Rockingham County, North Carolina, on the 20th day of September, 2017; and

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

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

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

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

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

APPROVED, ADOPTED AND EFFECTIVE, this 17th day of April, 2018.

CITY OF EDEN

BY: \_\_\_\_\_  
Neville A. Hall, Mayor

ATTEST:

\_\_\_\_\_  
Sheralene Thompson,  
CMC, MMC, NCCMC  
City Clerk



# Planning and Inspections Department

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

## MEMO

**To:** Honorable Mayor and City Council  
**Thru:** Brad Corcoran, City Manager  
**From:** Kelly K. Stultz, AICP, Director  
**Subject:** Human Habitation Standards Action/709 Circle Drive  
**Date:** April 6, 2018

Attached you will find a section of the Human Habitation Standards Ordinance relating to the steps to be taken when an owner fails to comply with an order to repair or demolish. Also attached is a copy of the Complaint and Notice of Hearing which sets out the violations found at the initial inspection and a copy of the Findings of Fact and Order. The City of Eden Human Habitation Standards Ordinance and the enabling legislation permit the City Council, upon adoption of an Ordinance, to order the repair or demolition of the structure. Four (4) bids were submitted to this department as follows:

Sam W. Smith, Inc.	\$ 6,500.00
J. W. Saunders Construction	\$ 7,500.00
Kenny Frith Grading	\$ 4,500.00
Rabco, Inc.	\$ 7,850.00

Staff recommends that Kenny Frith Grading be awarded the bid for the demolition of the house with the lowest bid being in the amount of \$4,500.00.

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

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

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

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

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

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

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

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

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

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

COMPLAINT AND NOTICE OF HEARING BEFORE  
HOUSING INSPECTOR UNDER HOUSING CODE

**TO:** Owners and parties in interest in the property located at 709 Circle Drive  
\_\_\_\_\_ of the City of Eden, North Carolina.

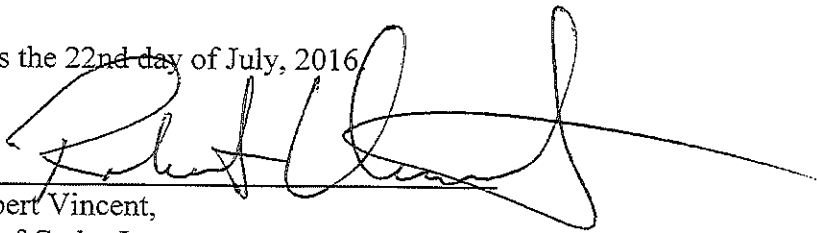
**YOU ARE HEREBY NOTIFIED** that the dwelling unit and/or lot located at the address designated above is in a condition that appears to be unfit for human habitation and to violate the City of Eden Minimum Housing Code as set out in the **ATTACHMENT** which is incorporated herein.

**YOU ARE FURTHER NOTIFIED** that a hearing will be held before the Housing Inspector of the City of Eden at 308 East Stadium Dr. at **8:30 A.M., August 17, 2016**, for the purpose of finding the facts as to whether or not the condition of such property falls within the scope of the above mentioned sections of the Housing Code. At the hearing, you shall be entitled to offer such evidence as is relevant to material to the questions sought to be determined or the remedies to be effected.

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

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

This the 22nd day of July, 2016.

  
\_\_\_\_\_  
Robert Vincent,  
Chief Codes Inspector



LOCATION: 709 CIRCLE DR.

File No. 15000825

EXHIBIT "A"

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

DWELLING UNFIT FOR HUMAN HABITATION (Section 4-75)

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

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

STRUCTURAL STANDARDS (Section 4-76)

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

PLUMBING STANDARDS (Section 4-77a)

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

**FINDING OF FACT AND ORDER**

TO: Owners and parties in interest of the property located at 709 Circle Drive, City of Eden, North Carolina.

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

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

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

NONE

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

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

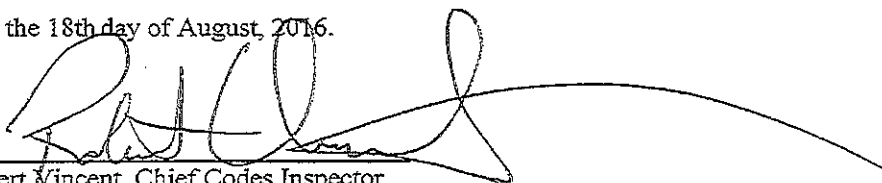
**IT IS THEREFORE ORDERED** that the owners of the property above are required to bring such property into compliance with the Minimum Housing Code by:

**Repairing, altering, improving or vacating and closing the deteriorated structure pursuant to Section 4-4 of the Eden City Code, a copy of which is the attached, and cleaning up the premises.**

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

By a date not later than **October 19, 2016**.

This the 18th day of August, 2016.

  
Robert Vincent, Chief Codes Inspector

**§ 4-4 STANDARDS FOR VACATING AND CLOSING STRUCTURES.**

(A) Whenever a structure is ordered vacated and closed under this chapter, the following standards shall be met before the structure is considered vacated and closed:

(1) The owner, occupant and/or tenant shall be required to move out of the structure and the structure shall not again be occupied until it fully complies with all applicable local and state codes. The structure shall not be used for storage. Storage of materials of any kind shall constitute a use and the structure shall not be considered vacated and closed.

(2) The owner shall clear the structure and property of all trash, debris and other items which could cause or threaten to cause infestation of insects, rodents or other pests or cause or threaten to cause a fire hazard. Maintenance of the grounds is required to the extent that at no time shall the property be deemed in violation of the city nuisance or junk car provisions.

(3) The owner shall insure that all windows, doors, and crawl space openings are secured using plywood or similar materials (½ inch thickness) cut to fit the specific openings. Boards will then be painted to increase weather resistance.

(4) The owner shall insure that the exterior foundation, walls and roofs shall be improved and maintained in a sound condition/good repair providing safe conditions. Also, the exterior shall be protected with paint or other protective covering to prevent penetration of moisture or weather.

(B) These standards must be maintained at all times while the structure is considered vacated and closed. Failure to maintain the structure as such will constitute a violation of the applicable provisions of this chapter. (Ord. passed 2-19-02) Penalty, see § 4-150 et seq.

LOCATION: 709 CIRCLE DR.

File No. 15600825

EXHIBIT "A"

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

DWELLING UNFIT FOR HUMAN HABITATION (Section 4-75)

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

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

STRUCTURAL STANDARDS (Section 4-76)

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

PLUMBING STANDARDS (Section 4-77a)

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

Prepared by and Return to:  
Erin B. Gilley

AN ORDINANCE AND ORDER  
FOR THE DEMOLITION OF  
PROPERTY AT 709 CIRCLE DRIVE,  
EDEN, NORTH CAROLINA

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

WHEREAS, on the 18th day of July, 2016, the Director of the Planning and Inspections Department examined the structure owned by Carol J. Carter at 709 Circle Drive, Eden, North Carolina and found it to be unfit for human habitation, that said property is more particularly described as follows:

BEGINNING at an iron pipe in the southern line of Circle Drive, said iron being the corner between Lots 1 and 2; thence South 67 deg. 44 min. East 104.85 feet with line of Circle Drive to an iron pipe; thence South 33 deg. 26 min. West 119 feet with line of Lot 3 to an iron pipe; thence North 47 deg. 58 min. West 30 feet with line of Lot 10 to an iron pipe; thence North 4 deg. 24 min. West 119.36 feet with line of Lots 10 and 1 to the POINT OF BEGINNING and is all of Lot 2, Block 4. For further reference see Deed Book 635, page 664 and Deed Book 875, page 2303 in the Office of the Register of Deeds of Rockingham County, N.C.

The above described property being more commonly known as 709 Circle Drive, Eden, North Carolina, and being further identified by the Rockingham County Tax Dept. as PIN 7070-06-48-7503-00.

WHEREAS, on the 22nd day of July, 2016, the Director caused to be issued a Complaint and Notice of Hearing for the 17th day of August, 2016, which was served on the property owner by mailing the same by certified mail, return receipt requested, and first class mail to the address listed with the Rockingham County Tax Department and by posting on the subject property on the 22nd day of July, 2016; that the certified mail, return receipt requested, was returned by the U. S. Postal Service marked "unclaimed;" and

WHEREAS, the hearing was held on the 17th day of August, 2016, and the Director subsequently issued an Order to repair, alter, improve or vacate and close the deteriorated structure; and

WHEREAS, a copy of the Order was served on the property owner by mailing the same by certified mail, return receipt requested, and first class mail to the address listed with the Rockingham County Tax Department and a copy of the Order was posted on the subject property on the 19th day of August, 2016; that the certified mail, return receipt requested, was returned by the U. S. Postal Service marked "unclaimed;" and

WHEREAS, the Director caused a Notice of Lis Pendens to be filed in the Office of the Clerk of Superior Court for Rockingham County, North Carolina, on the 16th day of September, 2016; and

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

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

WHEREAS, more than a year has passed since the Order to repair or vacate was issued; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Eden that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status will be inimical to the health, safety, morals and welfare of the municipality in that the dwelling will continue to deteriorate, will create a fire and safety hazard, will be a threat to children and vagrants, will attract persons intent on criminal activities, will cause or contribute to blight and the deterioration of property values in the area, and will render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State.

IT IS FURTHER ORDERED that it has been determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling.

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

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

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

APPROVED, ADOPTED AND EFFECTIVE, this 17th day of April, 2018.

CITY OF EDEN

BY: \_\_\_\_\_  
Neville A. Hall, Mayor

ATTEST:

\_\_\_\_\_  
Sheralene Thompson  
CMC, MMC, NCCMC  
City Clerk



# Planning and Inspections Department

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

## MEMO

**To:** Honorable Mayor and City Council  
**Thru:** Brad Corcoran, City Manager  
**From:** Kelly K. Stultz, AICP, Director  
**Subject:** Human Habitation Standards Action/1009 Galloway Street  
**Date:** April 6, 2018

Attached you will find a section of the Human Habitation Standards Ordinance relating to the steps to be taken when an owner fails to comply with an order to repair or demolish. Also attached is a copy of the Complaint and Notice of Hearing which sets out the violations found at the initial inspection and a copy of the Findings of Fact and Order. The City of Eden Human Habitation Standards Ordinance and the enabling legislation permit the City Council, upon adoption of an Ordinance, to order the repair or demolition of the structure. Four (4) bids were submitted to this department as follows:

Sam W. Smith, Inc.	\$ 4,000.00
J. W. Saunders Construction	\$ 4,500.00
Kenny Frith Grading	\$ 3,500.00
Rabco, Inc.	\$ 4,970.00

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

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



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

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

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

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

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

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

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

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

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

COMPLAINT AND NOTICE OF HEARING BEFORE  
HOUSING INSPECTOR UNDER HOUSING CODE

**TO:** Owners and parties in interest in the property located at 1009 Galloway Street (including any accessory structure) of the City of Eden, North Carolina.

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

**YOU ARE FURTHER NOTIFIED** that a hearing will be held before the Housing Inspector of the City of Eden at 308 East Stadium Dr. at **8:30 A.M., December 1, 2017**, for the purpose of finding the facts as to whether or not the condition of such property falls within the scope of the above mentioned sections of the Housing Code. At the hearing, you shall be entitled to offer such evidence as is relevant to material to the questions sought to be determined or the remedies to be effected.

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

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

This the 9th day of November, 2017.

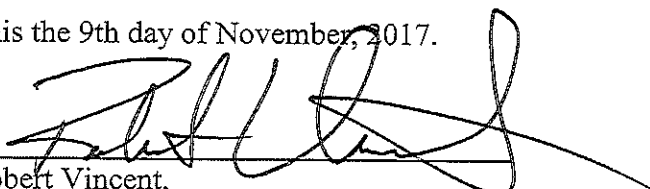
  
Robert Vincent,  
Chief Codes Inspector

EXHIBIT "A"

Note: Items checked indicate violations applicable to subject property.

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

DWELLING UNFIT FOR HUMAN HABITATION (Section 4-75)

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

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

STRUCTURAL STANDARDS (Section 4-76)

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

PLUMBING STANDARDS (Section 4-77a)

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

**FINDING OF FACT AND ORDER**

TO: Owners and parties in interest of the property located at **1009 Galloway Street (including any accessory structure)**, City of Eden, North Carolina.

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

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

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

NONE

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

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

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

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

By a date not later than **MARCH 5, 2018**.

This the 5th day of December, 2017.

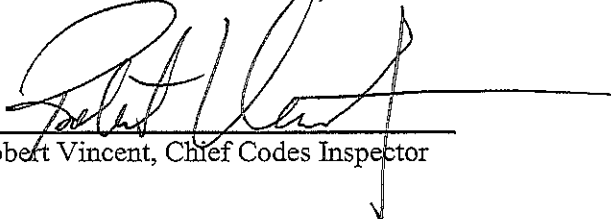
  
Robert Vincent, Chief Codes Inspector

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Prepared by and Return to:  
Erin B. Gilley

AN ORDINANCE AND ORDER  
FOR THE DEMOLITION OF  
PROPERTY AT 1009 GALLOWAY STREET,  
EDEN, NORTH CAROLINA

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

WHEREAS, on the 8th day of November, 2017, the Director of the Planning and Inspections Department examined the structure owned by Benjamin Adams and wife, Ruby Adams, at 1009 Galloway Street, Eden, North Carolina and found it to be unfit for human habitation, that said property is more particularly described as follows:

BEGINNING at an iron pipe in the northern line of Galloway Street, said iron being S 63° 45' West 183.34 feet from the northwest corner of Galloway and Anderson (formerly Ridge) Street; thence N 22° 31' West 149 feet with the line of Lot No. 23, to an iron pipe in line of Lot No. 4; thence S 63° 45' West 28 feet with line of Lot No. 4, to the eastern line of a 10 ft. alley; thence S 2° 40' West 115 feet with eastern line of said alley to an iron pipe; thence S 32° 30' East 47-1/2 feet with line of said alley and Spring Reservation to the Northern line of Galloway Street; thence N 63° 45' East 68.86 feet with northern line of Galloway Street to the point of beginning and is all of Lot No. 1, Block 6, as shown on map designated as Harris, Millner and McAlister Development, and recorded in the Office of the Register of Deeds for Rockingham County in Map Book No. 3 page 130. Deed Reference: Book 932, page 89.

The above described property being more commonly known as 1009 Galloway Street, Eden, North Carolina, and being further identified by the Rockingham County Tax Dept. as PIN 7979-06-27-7989.

WHEREAS, on the 9th day of November, 2017, the Director caused to be issued a Complaint and Notice of Hearing for the 1st day of December, 2017, which was served on the property owners by certified mail, return receipt requested on the 13th day of November, 2017, by first class mail and by posting on the subject property on the 13th day of November, 2017; and

WHEREAS, the hearing was held on the 1st day of December, 2017, and the Director subsequently issued an Order to repair, alter, improve or vacate and demolish the property; and

WHEREAS, a copy of the Order was served on the property owners by certified mail, return receipt requested, by first class mail and by posting on the subject property on the 6th day of December, 2017; that

the certified mail, return receipt requested, was returned by the U. S. Postal Service marked "Unclaimed;" and

WHEREAS, the Director caused a Notice of Lis Pendens to be filed in the Office of the Clerk of Superior Court for Rockingham County, North Carolina, on the 18th day of December, 2017; and

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

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

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

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

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

APPROVED, ADOPTED AND EFFECTIVE, this 17th day of April, 2018.

CITY OF EDEN

BY: \_\_\_\_\_  
Neville A. Hall, Mayor

ATTEST:

\_\_\_\_\_  
Sheralene Thompson,  
CMC, MMC, NCCMC  
City Clerk

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, March 20, 2018 at 6:00 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meeting were as follows:

Mayor:	Neville Hall
Council Members:	Bernie Moore
	Jim Burnette
	Angela Hampton
	Jerry Epps
	Darryl Carter
	Jerry Ellis
	Sylvia Grogan
City Manager:	Brad Corcoran
City Clerk:	Sheralene Thompson
City Attorney:	Erin Gilley
Deputy City Clerk: (absent)	Deanna Hunt

Representatives from Departments:  
News Media:

MEETING CONVENED:

Mayor Hall called the regular meeting of the Eden City Council to order and welcomed those in attendance. He explained that the Council 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:

Rev. Linda Nye, of The Church of the Epiphany, gave the invocation followed by the Pledge of Allegiance led by Fire Chief Tommy Underwood.

RECOGNITIONS AND PROCLAMATIONS:

a. Mitchell's Drug 50<sup>th</sup> Anniversary

Economic Development Director Mike Dougherty said that Russ Mitchell purchased his first Eden store from Chandler Drug in 1968. Currently, 19 people were employed by Mitchell's Drug. Mr. Mitchell was a big supporter of the community. He had been a long-time member of the Eden Chamber of Commerce. Each year he sponsored the Leaksville Night-Time Christmas Parade Santa float. He was a member of the National Federation of Independent Businesses. Mr. Dougherty said Eden was fortunate to have Mitchell's in Eden. Mr. Dougherty congratulated Mr. Mitchell on 50 years of business and wished him 50 more.



Minutes of the regular March 20, 2018 meeting of the City Council, City of Eden:

Mayor Hall presented Mr. Mitchell with a plaque.

Mr. Mitchell wanted to thank the community. First, he thanked the Lord for sending him to the community. He thanked the city and the people for being so good to them. He did not expect to live that long so he thanked God. He introduced his daughter Kim and son-in-law Tommy, the store's managers.

Mayor Hall congratulated Mr. Mitchell on 50 years in business. It was a tremendous accomplishment.

SET MEETING AGENDA:

Mayor Hall said that staff requested two items be removed from the agenda: 10a and 14 – the closed session. A motion was made by Council Member Hampton to set the agenda. Council Member Moore seconded the motion. All members voted in favor of the motion.

PUBLIC HEARINGS:

- a. Consideration of a request and adoption of an ordinance to close an unopened portion of Jackson Street. CASE SC-17-02.

Mayor Hall declared the public hearing open and asked Director of Planning and Inspections Kelly Stultz to come forward.

Ms. Stultz said a request had been received to close a portion of Jackson Street between Eden Drug and what used to be the Atkinson building, now owned by Eden Drug. A petition signed by all the property owners was submitted. The only objection raised was by the City to ask that a 20-foot utility easement be reserved in the right-of-way. Based on all the information they received, staff recommended closing that portion of Jackson Street.

Council Member Burnette said he understood they had approval from Duke Energy but some of the other utilities did not respond. He asked if that was normal.

Ms. Stultz said if the utilities did not have anything on the property, they did not tell the City that. They just did not respond.

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

A motion was made by Council Member Ellis to adopt an ordinance to close an unopened portion of Jackson Street. Council Member Carter seconded the motion. All members voted in favor of the motion.

AN ORDINANCE AND ORDER  
TO CLOSE AN UNOPENED PORTION OF JACKSON STREET

Minutes of the regular March 20, 2018 meeting of the City Council, City of Eden:

WHEREAS, on the 30th day of November, 2017, Zoejo, LLC and Robert L. Crouch and wife, Deborah H. Crouch filed a petition, by the terms of which they requested that an unopened portion of Jackson Street be closed pursuant to the provisions of Chapter 13, Division 3 of the Eden City Code and North Carolina General Statutes §160A-299; and

WHEREAS, the City Council of the City of Eden, did on the 20th day of February, 2018, at its regular monthly meeting adopt a Resolution of Intent to Close An Unopened Portion of Jackson Street calling for a public hearing to be held; and

WHEREAS, the City Council of the City of Eden, did on the 20th day of February, 2018, at its regular monthly meeting, schedule a public hearing to be held on the 20th day of March, 2018, and requested a recommendation of the Planning Board on said closing; and

WHEREAS, the required legal notice was published in the Eden News on the 21st and 28th day of February, 2018, and on the 7th and 14th day of March, 2018, and copies were sent to the property owners as required by law on the 5th day of March, 2018, and a copies were posted on the 6th day of March, 2018, as required by law; and

WHEREAS, the Planning Board in its regular meeting on February 20, 2018, recommended to the City Council that said unopened portion of Jackson Street be closed; and

WHEREAS, the public hearing was held at the regular monthly meeting of the City Council on the 20th day of March, 2018; and

WHEREAS, the evidence offered at the public hearing did not establish that the closing would be detrimental to the public interest or would deprive an individual or entity owning property in the vicinity thereof of reasonable means of ingress and regress to and from his property; and

WHEREAS, it appears to the satisfaction of and it is determined by the City Council of the City of Eden from the Petition and other evidence submitted at said hearing that:

Zoejo, LLC and Robert L. Crouch and wife, Deborah H. Crouch, are the owners of the property on each side of the portion of Jackson Street which is to be closed.

That said Jackson Street is not under the control or supervision of the Department of Transportation.

That the closing of a portion of Jackson Street is not contrary to the public interest and that no individual or entity owning property in the vicinity thereof will thereby be deprived of reasonable means of ingress and regress to or from his property.

That upon the closing of an unopened portion of Jackson Street, all right, title and interest therein shall be conclusively presumed to be vested in Zoejo, LLC and Robert L. Crouch and wife, Deborah H. Crouch, the owners of the lots or parcels of land adjacent thereto.

That it appears that the provisions of the Eden City Code and the North Carolina General Statutes have been complied with fully in this matter.

That said unopened portion of Jackson Street should be closed as requested.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Eden, that the following described portion of Jackson Street in the City of Eden be and the same is hereby closed, said portion of Jackson Street being more particularly described as follows:

BEGINNING at a point marking the northeast intersection of West Stadium Drive and Jackson Street, said point being the southwest corner of Lot 1, Section E of Irvin River Heights as shown on map entitled "Irvin River Heights, Sections A thru E" recorded in Map Book 11, page 27; thence with the west line of Lot 1, North 14 deg. 23 min.

Minutes of the regular March 20, 2018 meeting of the City Council, City of Eden:

West 239.24 feet to the corner for Lots 1 and 2, Section E, Irvin River Heights; thence South 75 deg. 37 min. West to the west right of way line of Jackson Street, a corner for Lots 27 and 28, Section D, Irvin River Heights; thence with the west right of way line of Jackson Street, South 14 deg. 23 min. East to the north right of way line of West Stadium Drive; thence with the north right of way line of West Stadium Drive South 76 deg. 17 min. West to the POINT OF BEGINNING, the same being an unopened portion of Jackson Street. The above described portion of Jackson Street being the identical portion of Jackson Street described in the Resolution of Intent adopted the 20th day of February, 2018.

The above described portion of Jackson Street is closed **SUBJECT TO** a waterline easement hereby reserved to the City of Eden twenty (20) feet in width, ten (10) feet on either side of the centerline of the street being closed.

IT IS FURTHER ORDERED that in the event there is no appeal from the adoption of this Ordinance and Order within thirty (30) days of the date hereof as provided by law, a certified copy of this Ordinance and Order shall be recorded in the Office of the Register of Deeds of Rockingham County, North Carolina.

APPROVED, ADOPTED AND EFFECTIVE, this 20th day of March, 2018.

CITY OF EDEN  
BY: Neville Hall, Mayor

ATTEST: Sheralene Thompson, City Clerk

STATE OF NORTH CAROLINA

ROCKINGHAM COUNTY

I, Sheralene Thompson, Clerk of the City of Eden, North Carolina, do hereby certify that the foregoing instrument is a true, correct and complete copy of an Ordinance and Order To Close An Unopened Portion of Jackson Street that was duly adopted by the City Council of the City of Eden, at a regular meeting of said City Council duly convened and held on the 20th day of March, 2018, as appears upon the minutes of said meeting.

I do further certify that due notice of said meeting was given pursuant to the provisions of Section 160A-299 of the General Statutes of North Carolina, and further that due notice was given that any person aggrieved by such Resolution and Order had the right to appeal therefrom within thirty (30) days to the Superior Court of Rockingham County, and that no such appeal was filed within the time specified.

WITNESS my hand and the corporate seal of the said City of Eden, North Carolina, this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Sheralene Thompson  
Clerk of the City of Eden, North Carolina

[SEAL]

- b. (1) Consideration of a zoning text amendment request and adoption of an Ordinance to amend Section 11.26(c)(3)(c)(5) to make changes to the home occupations requirements to permit some uses to be undertaken in a building other than the residence and to allow major home occupations in all residential districts. Request submitted by Victor Cestari. ZONING CASE Z-18-01.
- (2) Consideration of a Resolution adopting a statement of consistency regarding the amendment of Section 11.26(c)(3)(c)(5) to make changes to the home occupations requirements to permit some uses to be undertaken in a building

Minutes of the regular March 20, 2018 meeting of the City Council, City of Eden:

other than the residence and to allow major home occupations in all residential districts.

Mayor Hall declared the public hearing open and asked Ms. Stultz to come forward.

Ms. Stultz said across the country, the nature of home occupations had begun to change in the last 20 years. When they thought about the City's history, Dr. Matthews had always had his doctor's office in his house. They had lawyers with offices in their houses. There were times people had woodworking shops in their garages and the City discovered them and told the people they had to stop using them. It was her recommendation that they extend those abilities so that people could use their properties more creatively. Additionally, in the 1990s, a decision was made to not allow major home occupations in R-20, R-12S, R-6S and R-4. That was not supported by staff then and was not now. It made no sense that someone could not run an office out of their house when someone in another residential zone could when they had the same impact. Based on all that information, staff recommended that the ordinance be amended to allow home occupations in all residential districts and to allow major ones in all residential districts upon receipt of the special use permit.

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

Mr. Victor Cestari, 980 Westerly Park Road, said he was planning to have an antique shop at the back of his property on 17 acres of land. He had plenty of parking, including a big field for additional parking if needed. He did not expect a crowd but there was plenty of room. They were far away from their neighbors. They had moved from Massachusetts to Eden five years before. Their dreams were to move South and get away from the snow and to open a small antique shop.

Ms. Stultz said to remember that should the Council approve the text amendment, Mr. Cestari would still have to go before the Board of Adjustment and make his case to get a special use permit to operate the business.

Mayor Hall asked if anyone else wanted to speak in favor or in opposition. As no one else came forward to speak, he declared the public hearing closed.

Council Member Burnette asked Ms. Stultz what major home occupations were.

Ms. Stultz replied they were home occupations other than minor home occupations that had the potential to adversely affect residential areas. They should be reviewed and permitted by special use permit. Home occupations were permitted in all residential districts including O&I. This was the draft proposed to the Council. The reason those kinds of home occupations would need to be brought before the Board of Adjustment was they would not necessarily allow them in a residential district. There would have to be special circumstances and that was indeed what a special use permit was – special permission to do something they otherwise could not do.

Council Member Burnette said with that permit they would take into consideration traffic and parking and such.

Minutes of the regular March 20, 2018 meeting of the City Council, City of Eden:

Ms. Stultz said all of those things would be taken into account in the staff recommendation and in the permit that might or might not be issued by the Board of Adjustment. Equally if the Board was of the opinion that the property was not large enough, etc., they would deny the request.

Council Member Moore asked if anyone from the City had been to the site.

Ms. Stultz said she had but they were not talking about that site – it would go before the Board of Adjustment later.

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

A motion was made by Council Member Burnette to adopt an Ordinance to amend Section 11.26(c)(3)(c)(5) to make changes to the home occupations requirements to permit some uses to be undertaken in a building other than the residence and to allow major home occupations in all residential districts and Consideration of a Resolution adopting a statement of consistency regarding the amendment of Section 11.26(c)(3)(c)(5) to make changes to the home occupations requirements to permit some uses to be undertaken in a building other than the residence and to allow major home occupations in all residential districts. Council Member Grogan seconded the motion. All members voted in favor of the motion.

AN ORDINANCE AMENDING THE ZONING  
ORDINANCE OF THE CITY OF EDEN

BE IT ORDAINED BY THE CITY COUNCIL of the City of Eden, North Carolina, that, after having fully complied with all legal requirements, including publication of notice of a public hearing and the holding of a public hearing relative thereto, Section 11.26 (c)(3)(c)(5) is amended to read as follows:

(5) HOME OCCUPATIONS - Home occupations, other than minor home occupations, have the potential to adversely affect residential areas and shall be reviewed and permitted by special use permit. Home occupations are permitted in all residential districts including O & I. In addition to any other requirements with respect to the Petition authorized in this Section, the Petition shall set forth the following:

(1) The special use shall not be a prohibited home occupation. The following uses by the nature of the investment or operation have a tendency once started to rapidly increase beyond the limits permitted for home occupations and are more suited for office or commercial districts, where permitted. Therefore, the uses specified below shall not be permitted as home occupations:

Appliance repair (i.e., major appliances).

Dry cleaning and laundry plants/pick-up stations.

Extermination services.

Funeral homes.

Massage parlors.

Medical or dental clinics and laboratories.

Motor vehicle related operations (e.g., car washes, repair service, body work).

Minutes of the regular March 20, 2018 meeting of the City Council, City of Eden:

Private clubs.

Rental service establishments.

Restaurants, bars, nightclubs.

Retail sales establishments not including antique sales or the sale of arts or crafts made onsite.

Tattoo parlors.

Taxi stands.

Tow truck services.

Veterinary uses shall only be allowed in Residential Suburban. Pet grooming or boarding shall be allowed in all other residential districts upon receipt of a special use permit.

Welding or machine shops.

- (2) The home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes.
- (3) The home occupation must be conducted by a resident of the dwelling unit.
- (4) The gross floor area attributed to the home occupation shall not be greater than 40 percent of the total gross floor area of the dwelling if conducted inside the primary residence or it shall be conducted in an accessory structure that meets all other applicable land use requirements for accessory structures and building code requirements for the use requested.
- (5) There shall be no change in the exterior appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation, provided that one non-illuminated sign may be permitted provided it does not exceed 4 square feet in area. The sign message shall only indicate the name of the occupant or home occupation and the occupation performed. The sign must comply with the provisions of Section 11.31, Signs, of this ordinance.
- (6) No display or merchandise, goods or other commodities shall be visible from outside the dwelling unit or the accessory structure.
- (7) A home occupation shall not create a substantial increase in vehicle or pedestrian traffic.
- (8) No more than one (1) vehicle shall be utilized in the home occupation. Furthermore, the home occupation shall not involve the use or storage of tractor trailers, semi-trucks, or heavy equipment such as construction equipment used in the occupation. One (1) commercial vehicle may be permitted on the lot provided it does not exceed 2 tons rated capacity.
- (9) There shall be no outside operations, open display, or open storage of materials or products used in the home occupation.
- (10) No home occupation shall create objectionable noise, fumes, dust, or electrical interference.
- (11) No process or materials shall be used or stored on site that is hazardous to the public, health, safety, morals, or general welfare.

Minutes of the regular March 20, 2018 meeting of the City Council, City of Eden:

- (12) The home occupation shall provide additional off-street parking reasonably adequate to accommodate needs created by the home occupation. To this extent, the application for a home occupation shall provide a plan for any additional parking required, which shall be approved if:
  - (i) The residential character of the lot is not changed, and
  - (ii) The parking area does not detract from the visual appearance of the dwelling.
- (13) The home occupation shall not involve the retail sale of merchandise manufactured off the premises, except as otherwise permitted, provided that products related directly to the service performed may be sold, (e.g., beauty products in a beauty salon), further provided that sales orders for items made by telephone or at sales parties may be picked up by customers.
- (14) In order to guarantee that a home occupation, once permitted, will not become a nuisance to the neighbors or otherwise violate these standards, the Board of Adjustment may impose reasonable conditions necessary to protect the public health, safety, morals and general welfare.

The Board of Adjustment shall, prior to the issuance of a Special Use Permit for a home occupation, find that such special use meets the following standards:

- (a) That the special use is not a prohibited home occupation.
- (b) The home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes.
- (c) The home occupation must be conducted by a resident of the dwelling unit.
- (d) The gross floor area attributed to the home occupation shall not be greater than 40 percent of the total gross floor area of the dwelling if conducted inside the primary residence or it shall be conducted in an accessory structure that meets all other applicable land use requirements for accessory structures and building code requirements for the use requested.
- (e) There shall be no change in the exterior appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation, provided that one non-illuminated sign may be permitted provided it does not exceed 4 square feet in area. The sign message shall only indicate the name of the occupant or home occupation and the occupation performed. The sign must comply with the provisions of Section 11.31, Signs, of this ordinance.
- (f) No display of merchandise, goods or other commodities shall be visible from outside the dwelling unit.
- (g) A home occupation shall not create a substantial increase in vehicle or pedestrian traffic.
- (h) No more than one (1) vehicle shall be utilized in the home occupation. Furthermore, the home occupation shall not involve the use or storage of tractor trailers, semi-trucks, or heavy equipment such as construction equipment used in the occupation. One (1) commercial vehicle may be permitted on the lot provided it does not exceed 2 tons rated capacity.
- (i) There shall be no outside operations, open display, or open storage of materials or products used in the home occupation.
- (j) No home occupation shall create objectionable noise, fumes, dust, or electrical interference.
- (k) No process or materials shall be used or stored on site that is hazardous to the public, health, safety, morals, or general welfare.

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- (l) The home occupation shall provide additional off-street parking reasonably adequate to accommodate needs created by the home occupation. To this extent, the application for a home occupation shall provide a plan for any additional parking required, which shall be approved if:
  - (i) The residential character of the lot is not changed, and
  - (ii) The parking area does not detract from the visual appearance of the dwelling.
- (m) The home occupation shall not involve the retail sale of merchandise manufactured off the premises, except as otherwise permitted, provided that products related directly to the service performed may be sold, (e.g., beauty products in a beauty salon), further provided that sales orders for items made by telephone or at sales parties may be picked up by customers.
- (n) In order to guarantee that a home occupation, once permitted, will not become a nuisance to the neighbors or otherwise violate these standards, the Board of Adjustment may impose reasonable conditions necessary to protect the public health, safety, morals and general welfare.

Upon finding that the Petitioner meets the foregoing standards, the Board of Adjustment shall issue to the Petitioner a Special Use Permit for the home occupation.

APPROVED, ADOPTED AND EFFECTIVE, this 20th day of March, 2018.

CITY OF EDEN  
BY: Neville Hall, Mayor

ATTEST: Sheralene Thompson, City Clerk

A RESOLUTION ADOPTING A  
STATEMENT OF CONSISTENCY REGARDING  
A PROPOSED AMENDMENT TO THE  
CITY OF EDEN ZONING ORDINANCE  
CASE NUMBER Z-18-01  
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 received a request to amend Section 11.26(c)(3)(c)(5) to make changes to the home occupations requirements to permit some uses to be undertaken in a building other than the residence and to allow major home occupations in all residential districts.
- WHEREAS, On February 20, 2018, the City of Eden Planning Board voted to recommend approval of the requested changes to the Zoning Ordinance.

STATEMENT OF NEED:

Staff is of the opinion that making the regulation of home based businesses more flexible will permit our citizens more opportunity to become entrepreneurs and make our local economy more secure.

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:



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- 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 March, 2018.

CITY OF EDEN  
BY: Neville Hall, Mayor

ATTEST: Sheralene S. Thompson, City Clerk

- c. Approval and adoption of a resolution in support of a grant application to the 2018 Recreational Trails Program, part of the N.C. Division of Parks & Recreation.

Mayor Hall declared the public hearing open and asked Mr. Dougherty to come forward.

Mr. Dougherty said the trail would run from Leaksville Landing, continue behind the Karastan Rug Mill, and end at Bridge Street. Karastan was in favor of it as their employees would use it.

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

A motion was made by Council Member Burnette to adopt a resolution in support of a grant application to the 2018 Recreational Trails Program. Council Member Ellis seconded the motion. All members voted in favor of the motion.

RESOLUTION IN SUPPORT OF APPLICATION TO THE 2018 RECREATIONAL TRAILS PROGRAM

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WHEREAS, The North Carolina State Trails program administered by the North Carolina Division of Parks and Recreation is tasked with distributing funds from the 2018 Recreational Trails Program; and

WHEREAS, the City of Eden has applied for funds for the Dan River Nature Trail; and

WHEREAS, in order to receive funds the City of Eden is required to provide a 25% match, or \$6,000 to the requested \$24,000; and

WHEREAS, the 1,600 linear feet of 6- foot wide natural surface at \$15.00 per linear foot will cost \$24,000 paid for by the grant, with 700 feet of sidewalk added by the City of Eden as its match; and

WHEREAS, this matching funding will be provided from the City of Eden 2018-19 general fund;

THEREFORE, I, Neville Hall, Mayor of Eden and City Council resolve to support the application to the 2018 Recreational Trails Program and provide the 25% match from its 2018-19 general fund.

Adopted this the 20th day of March, 2018

BY: Neville Hall, Mayor

ATTEST: Sheralene Thompson, City Clerk

REQUESTS AND PETITIONS OF CITIZENS:

*There were none.*

UNFINISHED BUSINESS:

*There was no unfinished business.*

NEW BUSINESS:

- a. Consideration of Adopting an Ordinance to establish a Cross Connection Control Program.

*This item was pulled from the agenda.*

- b. Request for the City Council to ask the City Clerk to investigate the sufficiency of an annexation petition for property located at 343 Wilshire Drive.

Ms. Stultz said they were all familiar with Summit Place, which used to be Northridge. The developers of Northridge had recently purchased the property in question. It was not annexed at the time the rest of the subdivision was and the owners would like it to be annexed and included in the PUD zone.

A motion was made by Council Member Ellis to ask the City Clerk to investigate the sufficiency of an annexation petition for property located at 343 Wilshire Drive. Council Member Moore seconded the motion. All members voted in favor of the motion.

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE

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A PETITION RECEIVED UNDER N.C.G.S. 160A-58.1

WHEREAS, a Petition requesting annexation of a lot described in said Petition were received on February 14, 2018, by the City Council of the City of Eden; and

WHEREAS, N.C.G.S. 160A-58.2 provides that the sufficiency of the Petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Eden deems it advisable to proceed in response to these requests for annexation:

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

The City Clerk is hereby directed to investigate the sufficiency of the above described Petitions and to certify as soon as possible to the City Council the result of her investigation.

This the 20th day of March, 2018.

CITY OF EDEN  
BY: Neville Hall, Mayor

ATTEST: Sheralene Thompson, City Clerk

- c. Consideration of an Ordinance Amending the City of Eden Code of Ordinances pertaining to the sale of alcoholic beverages before noon on Sundays at licensed premises.

Mr. Dougherty said at the last session of the General Assembly they approved the bill which allowed sales of alcoholic beverages to begin at 10 a.m. on Sundays. Since that time, 127 cities had approved it including Reidsville and Yanceyville. When he checked with Reidsville, there were no negative issues pertaining to the ordinance change.

A motion was by Council Member Grogan to amend the City of Eden Code of Ordinances pertaining to the sale of alcoholic beverages before noon on Sundays at licensed premises. Council Member Burnette seconded the motion. Council Members Grogan, Burnette, Ellis, Moore, Carter and Hampton voted in favor of the motion. Council Member Epps voted against the motion. The motion carried.

- d. Consideration of a Contract to redesign the waterline to serve the Berry Hill Industrial Park.

Mr. Dougherty said everyone was aware the design changed the previous year. Currently, they were working with Dewberry doing the design for the project. There were several grants pending. The Pittsylvania County Service Authority was working on a resolution confirming they would use Eden for their water supply. One part of the agreement said two-thirds of the water would come from Eden and the third part would come from their existing water line. He expected to have a signed contract and agreement in 60 days. Because of the timing of the grants, they needed to move forward with the design of the line.

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Mayor Hall said it had become a time sensitive issue with the grants and the potential for those to time out if they did not move forward.

City Attorney Erin Gilley said that she had put before the Council a legal wording revision to the agreement, stating that the choice of law would be North Carolina and not Virginia. The jurisdiction would be Rockingham County and North Carolina. If a motion was made to approve, it needed to be for the revised agreement.

Council Member Burnette said that one-third of the water would come from Danville and two-thirds from Eden but they did have a maximum come from Danville. Looking to the future, that would be capped.

Mayor Hall said he was talking about the first 750,000 gallons. He said it was originally negotiated that they would have everything about 750 but they have come back and said they would like the City to help with the first 750, so there was even more of an urgency to be in place when a user was there. It would begin to be used earlier in the development than they had originally thought.

A motion was made by Council Member Epps to approve the revised contract to redesign the waterline to serve the Berry Hill Industrial Park. Council Member Carter seconded the motion. All Council Members voted in favor of the motion.

**REPORTS FROM STAFF:**

- a. City Manager's Report – March 2018

**Recap – Annual Retreat**

The annual retreat for the Eden City Council was held on Saturday, Feb. 24. Based on information submitted by the Mayor and each member of City Council some priority themes emerged for the upcoming FY 2018-19 budget. The themes include:

- Economic Development Initiatives
- Parks & Recreation Initiatives
- Infrastructure Improvement Initiatives
- Continued Implementation of the *Positively Eden* Strategic Plan
- Code Enforcement & Nuisance Abatement Initiatives
- Attempting to Maintain Tax & Water/Sewer Rates

A copy of the agenda for that meeting as well as the various presentations made throughout the day can be found on the City's website at <https://www.edennc.us/> as follows: Click on Documents & Forms at the bottom of the screen. Then click on City Government, followed by Eden City Council Meetings, followed by Eden City Council Meeting Agendas, followed by 2018 Eden City

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Council Agendas, followed by February 24, 2018 Budget Retreat. Copies of the presentations (271 slides in all) can be accessed under the Budget Retreat Combined tab.

### **Recap – Strategic Plan Update – Community Informational Meeting**

On March 1, the City hosted an informational “drop-in” type meeting concerning implementation efforts related to the *Positively Eden* strategic plan. This was an opportunity for the public to receive an update on our efforts to date and future plans, as well as to receive any feedback our citizens may have concerning future initiatives related to the plan. This meeting was well attended and the feedback the City received from those in attendance was very positive. If you were unable to attend, but have some specific thoughts concerning the implementation of the strategic plan, we would ask that you email Ms. Kelly Stultz, Director of Planning and Inspections, at [kstultz@edennc.us](mailto:kstultz@edennc.us).

### **Take Pride in Your Community and Don't Litter**

We hate litter! There is absolutely no reason for a civilized place to have an issue with litter, but Eden, like most communities, does. Please help us combat unsightly trash around our beautiful city.

There are a couple of ways you can help:

The North Carolina Department of Transportation has a fantastic program - Swat-A-Litterbug. It's almost impossible for law enforcement to catch someone dumping litter from a vehicle because who in their right mind would roll down a window and throw out a bag with a police officer behind them? With this program, any citizen can report the offending vehicle and NCDOT will take it from there. If you see someone throw out trash from a vehicle, please visit [https://www.ncdot.gov/doh/operations/dp\\_chief\\_eng/roadside/beautification/Litterbug/](https://www.ncdot.gov/doh/operations/dp_chief_eng/roadside/beautification/Litterbug/) or call 1-877-DOT-4YOU (1-877-368-4968). NCDOT notifies the vehicle owner of the littering offense; informs the vehicle owner of the penalties for littering; and urges the litterbug to stop littering. A formal notification is signed by the Colonel of the N.C. State Highway Patrol. This letter helps educate and remind citizens of their civic responsibility to protect the environment.

Please keep the area around your property clean by picking up trash that lands on or along it. It is frustrating when someone throws out something and it lands in or next to your yard or it blows off the back of a vehicle and gets caught in your ditch. It's not your fault at all, but picking up the litter and disposing of it if you are able is showing your pride in your property, your neighborhood, and best of all, your city.

Thank you in advance for your willingness to help us in our fight against littering.

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**Economic & Tourism Development Department**

**MillerCoors – Update**

Two new companies have either toured or made inquiries about the Eden facility. This is in addition to the project that has been considering the facility since July of 2017.

**Economic Development Partnership of NC (EDPNC)**

On March 1, the Rockingham County Economic Development Department hosted an event in which the Piedmont Triad counties exhibited their county buildings and sites in a “speed dating” scenario in which the EDPNC project managers spent ten minutes at each county table learning about their assets. This enabled local economic developers (including Eden) to inform them of what is available and happening in Eden, Reidsville and Western Rockingham. It is clear that considerable interest remains in the Eden MillerCoors brewery.

**North Carolina Opportunity Zones**

The recent federal tax bill resulted in opportunity zones based on census tracts in each state. The zones will allow investors to get a significant break on capital gains taxes. Eden submitted census tract #402 that includes New Street and two green field sites. If selected as an opportunity zone, it will help attract investment to these locations.

**CTT Productions**

An Eden economic development video was completed by CTT Productions in early March. The video features UNC Rockingham Healthcare President Dana Weston; Gildan VP of Wholesale Distribution Nick Freitag; Karastan Plant Manager Darin Quesinberry; and Millis Transport Eden Terminal Manager Mark Wyatt. They speak of the benefits of operating a business/industry in Eden. This video will be placed on the City website to help promote the community. Most companies or site consultants learn about a community online before they ever make a contact with local economic development officials.

**¼ Cent Sales Tax Initiative**

As you may be aware, the Eden City Council adopted a resolution in support of the proposed ¼ cent sales tax that will be a referendum on the May 8, 2018 Primary election ballot. The funding generated from this tax will be used to build a state of the art workforce training center at RCC. Local companies continue to tell economic development and city officials that they need skilled workers whether it is in manufacturing, distribution or healthcare. As of March 3, there were 909 available jobs in Rockingham County, but many of those jobs require skills that our local

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workforce does not have. More than 10,000 jobs remain open in the Piedmont Triad because workers do not have the skills to fill them.

It is important to note that this tax **will not** be on groceries, gasoline or prescription drugs. It is a small tax of only a ¼ cent on a \$1.00 purchase, or a penny on a \$4.00 purchase. It is also important to note that everyone pays this - renters, visitors and county citizens. No one wants higher taxes, but unless we invest in training facilities, our children will be not qualified for good paying jobs and a brighter future.

**Project B – Commercial Prospect**

A local retailer is seeking a larger space in which to operate. The City is working with the company facilitating the expansion for potential sites.

**Lidl – Update**

Interior construction on the Lidl Supermarket was supposed to resume in early February of this year. That process has been postponed. The City is in constant contact with the Lidl Real Estate Department. The latest news is that the City will be informed of the construction date within a few weeks. More information will be provided in this report or on Facebook when it is acquired.

Lidl embarked on a very difficult task of entering the U.S. market, building a distribution center and opening 37 stores within a year. Although all of us are disappointed that the store has not opened yet, it is understandable that they have faced several obstacles along the way. Most existing grocery retailers would not embark on such an ambitious task, let alone one that had just entered a new market.

**Cirrus Construction**

Their new Highway 14 facility, located north of Cox Street, will be open in some capacity in April of this year.

**Herman’s Gift Shop**

Herman’s announced it was going out of business several months ago. They now have a sign that the business is under new management. Herman’s is located at 804 N. Van Buren Road just past the Highway 14/Aiken Road intersection.

**Recreational Trails Program Grant**

The City of Eden has applied for a \$24,000 Recreational Trails Program Grant to help fund the Dan River Nature Trail. This trail will consist of a 1,600 linear foot trail running from the

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Leaksville Landing River Access Point to Bridge Street. This will connect with the King's Highway sidewalk and extend the existing Smith River Greenway.

### **Berry Hill Regional Mega Park - Update**

The Danville Pittsylvania County Regional Industrial Facilities Authority (RIFA) began acquiring land for the Berry Hill Regional Mega Park in 2001. Through the years, more than \$30 million has been invested in the park. The Virginia Tobacco Commission previously awarded a grant in the amount of \$20 million and an additional \$9.8 million is currently earmarked for the park. The remaining funding has come from RIFA. The total current and proposed park funding is \$39.8 million.

In 2008, the City of Eden explored the idea of providing water and sewer utilities to the Mega Park because of our excess capacity and the fact that we are closer in proximity to the park than Danville. In FY 2011-12, Eden ran a sewer line to the Virginia state line. A wetlands permit to extend the sewer line from the NC state line to the park, and to clear sites to develop and market the park, was sought from the federal agency that regulates such permits. For five years, the agency would not consider the wetlands permit, because they considered this project to be "speculative development." When smaller sites were proposed, the responsibility for approving this development fell to the Virginia Department of Environmental Quality, which approved the permit. In the fall of 2016, site development on three pads began at the park.

The marketing for the Mega Park is now beginning since cleared pads are now available for potential prospects to consider. The Berry Hill Regional Mega Park was a finalist for the Toyota-Mazda auto plant project that ultimately went to Alabama due to supply chain benefits in that state. That said, the fact that Berry Hill was considered among more than 300 proposed sites illustrates that this is a site that will attract industrial clients.

### **Sewer Line Project**

The Mega Park sewer line project was completed in the summer of 2012. Eden's part of the project, working jointly with Virginia agencies, was to build a sewer force main from the Virginia State Line on NC 770 back to the Railroad Pump Station. The Virginia agencies were to build the rest of the sewer force main up to the Mega Park and the sewer pump station that will service the park. This project was financed mostly with a grant from the NC Golden Leaf Foundation. The City will treat the first million gallons per day (MGD) of wastewater from the park and possibly up to three MGD as development continues. This project will eventually provide a new revenue source for the City. Currently, there are still no tenants in the park, and the new sewer force main will remain inactive until prospects are landed. Project Lignum, as previously reported on, is completing its due diligence at the park and could be its first tenant.



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### **Water Line Project**

Danville and Henry County built a 750,000 GPD water line for the Mega Park and surrounding areas in 2011-12. In August 2015 they accepted a \$2.2 million grant from the Virginia Tobacco Commission for additional water system improvements which included the installation of a 20-inch water line from the North Carolina/Virginia border to the Mega Park where it would connect to the existing 16-inch line they previously installed in 2011-12. This is the water line with fire hydrants that runs along Berry Hill Road in Virginia. This line has limited capacity, which is why Eden is in the process of pursuing the infrastructure to supply additional water to the park.

Originally, the City was to build a 30" water line to accommodate the power plant that was being planned by The Southern Company within the Mega Park. That line would have had a capacity of 11 MGD and a projected cost of approximately \$18.489 million to build. Grant funding, low interest loans and the anticipated water sales revenue to The Southern Company would have enabled the City to pay for this water line.

PJM Interconnection is a regional transmission organization (RTO) that coordinates the movement of wholesale electricity in all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia and the District of Columbia. The late 2017 market conditions in PJM limited Southern Power's ability to execute long-term customer opportunities that aligned with their business model. The decision by The Southern Company was only a reflection of the changing marketplace and not the condition of the Mega Park location. The Southern Company continues to believe this is one of the best places to locate a facility, should market conditions make such a project economically feasible.

Eden is now pursuing a 20" water line that will provide a capacity of 6-7 MGD for the Mega Park customers at a projected cost of approximately \$7.067 million to build. This is considered adequate for future needs. It appears that at least 54% of the grant funding that was originally obtained for the 30" line will be transferable to the smaller line. The City intends to pursue other grant opportunities to help reduce the amount of loans that will be needed to fund this project. The goal is to cover as much of the water line cost as possible with grants, thereby minimizing the burden placed on Eden taxpayers. The design and engineering work for this water line project will be getting underway within the next few weeks.

### **Contribution to Capital Project Fund**

Finally, the \$1,000,000 contribution to the Capital Project Fund for the Mega Park Water Line Project that is currently included in the FY 2017-18 budget will not be needed and will not be

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made due to the downsizing of this project. These funds will remain within the Water and Sewer Fund.

### **Branding Study**

The Branding Study funded through the *Positively Eden* Strategic Plan being conducted by Arnett Muldrow & Associates is currently underway. A two-day orientation has taken place with initial stakeholder interviews and site visits and study focus meetings are being held on March 20, 21 and 22. In addition, a survey was created and made available to the public for their input. This survey can be accessed at <https://www.surveymonkey.com/r/edenbrand>.

### **622 Washington Street**

Progress on the rehabilitation of 622 Washington Street is moving forward. We received the engineers report and are proceeding with upstairs non-load bearing wall removal. We are pursuing plans for retail/office space downstairs and residential use upstairs. Roof improvements are a priority as well as the replacement of the back wall. Barring unforeseen issues, it is anticipated that work will be complete by the end of June.

### **Fieldcrest Road Pocket Park**

The wet winter weather has slowed progress on the Fieldcrest Road pocket park. The painting of the signage has been completed and dry weather is needed to complete the backfill in the park. A U.S. Forestry Urban grant is being pursued to assist with the funding of this initiative.

### **EDDI**

The Rockingham County Community Foundation approved a request to spend remaining bike rack grand fund to promote the project. A television commercial will be produced as well as advertisements on the Skat bus and print ads in Eden's Own Journal.

### **NC Main Street Conference**

Eight Eden staff and business owners attended the 2018 NC Main Street conference in Clayton in March. Ashley and Seth Latham of Ashley Latham Photography were honored as 2017 Main Street Champions for their work in renovating three vacant buildings into a photography studio and beauty salon.

### **"Did You Know" Ads**

The second set of five "Did You Know" ads – can be viewed at [https://youtu.be/Q5\\_fhAMbDZs](https://youtu.be/Q5_fhAMbDZs) - and are now running on WGSR/STAR NEWS. When the project is completed we will have 25

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produced. Also, coming soon, will be 3-minute segments featuring our economic development efforts, code enforcement, and other important subjects. This is an effort that is part of *Positively Eden*. You can see the first ten “Did You Know” ads now by watching Star News 5 or by following the links below:

<http://bit.ly/2BWLGUk>

<http://bit.ly/2sqYApI>

<http://bit.ly/2F1XGme>

<http://bit.ly/2ClegKM>

<http://bit.ly/2GdTP4N>

[https://youtu.be/Q5\\_fhAMbDZs](https://youtu.be/Q5_fhAMbDZs)

**Tune in to watch “A Few Minutes with the Mayor”**

Spend 15 minutes with Mayor Neville Hall on WGSR-Star News 5 as this show airs live at 6:15 p.m. the last Thursday of each month.

**We have an e-newsletter!**

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

**2018 Major Event Dates**

Mark your calendars now! We have a fun line-up of 6 major events slated to take place in 2018. They are the following:

- May 12                      Oink & Ale
- June 2                      Piedmont Pottery Festival
- July 21                      Shaggin’ on Fieldcrest
- August 9                    Grown & Gathered
- August 25                  Touch-A-Truck
- Sept. 14 & 15              RiverFest

Watch [www.ExploreEdenNC.com](http://www.ExploreEdenNC.com) and our Explore Eden Facebook page for other small events such as Movies Under the Stars, downtown events and so much more!

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**Fine Arts Festival**

The Fine Arts Festival will be held at Eden City Hall again this year. The first take in for literature, music and poetry is set for March 22 from 2 to 6:30. The second take in for all other entries will be April 3 from 11 a.m. to 7 p.m. Eden Tourism will host the reception after the Awards Ceremony on Sunday, April 15.

**Rivers & Trails**

A lot of exciting things are happening with Rivers & Trails. The following are some dates to remember:

- March 19 – Belews Park Plan will be presented to the County Commissioners at their 6:30 p.m. meeting
- April 13 – Piedmont Trails Summit at RCC
- May 20 – NC NICA Championship Race at Farris Park

The Eden Rivers & Trails Group meets the last Wednesday of every month at Eden City Hall at 3:30 p.m. in the front conference room.

**Piedmont Pottery Festival**

Our 16<sup>th</sup> Annual Pottery Festival is set for Saturday, June 2. Applications for potters are available at City Hall or at [www.ExploreEdenNC.com](http://www.ExploreEdenNC.com).

**Fiesta In The Park**

Eden Tourism has once again received a Grassroots Grant from the Rockingham County Arts Council to conduct our second Annual Fiesta in the Park with all the fifth-graders in our four elementary schools. The date is set for Tuesday, May 8 from noon to 2 p.m. at City Hall in the John E. Grogan Park.

**Facebook**

Please join our Explore Eden Facebook page to stay up to date on all the exciting things happening in Eden!

**Engineering Department**

**Street Resurfacing Projects - Update**

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The FY 2018-19 Street Resurfacing Contract No. 1 was released for bid on March 8. The scope of work consists of the repair and resurfacing of 19 street sections with a total of 15,801 linear feet or 2.99 miles. The resurfacing is to include the adjustment of 92 water and sewer structures; 40 tons of Patching at a depth of 4 inches; 3,696 square yards of Asphalt Pavement Milling at a depth of 0 to 1½ inches; 1,736 square yards of Asphalt Pavement Milling at a depth of 0 to 2½ inches; 2,843 square yards of Asphalt Pavement Milling at a depth of 2 inches; 33,919 square yards of Asphalt Surface Treatment, Mat Coat, #78 Stone; 5 tons of Asphalt Concrete Leveling Course; 3,381 tons of Asphalt Concrete Surface Course (Type NC S9.5B Virgin Mix) for resurfacing at a depth of 1¼ inches and 203 tons of Incidental Stone Base. The bid opening is scheduled for Tuesday, April 3 at 11 a.m. in the front conference room at Eden City Hall and the work will be initiated at some point after July 1 – the effective date of the FY 2018-19 budget and fiscal year.

Also, we are pleased to report that NCDOT has awarded a contract to APAC Atlantic, Inc. to resurface NC 14/NC 87 from Cox Street to the Virginia state line. The availability for this contract is April 2. The completion date is Nov. 2.

### **Waterline Replacement Projects Update**

Crews from Sam W. Smith, Inc. were able to complete making water service reconnections along W. Arbor Lane and Wildflower Lane on Feb. 15, which allowed them to abandon the original thin-walled PVC water mains within the project area the next day. The patching crew was able to place about 15 tons of intermediate mix asphalt on Feb. 27, but poor weather conditions have not allowed any additional patching to be completed since that point in time.

A notice to proceed was issued to Sam W. Smith, Inc., with a commencement date of March 5, for the Sunset Drive 2” Waterline Replacement project. The date of completion for the project is set for May 15. The base bid price for the project is \$104,662.

Plans prepared by Alley, Williams, Carmen, & King, Inc. for the Jackson Street and Farrell Street Waterline Replacement project were sent to the NC Public Water Supply Section for review on Feb. 27. Notifications with links to the plans and bid documents were sent to area utility contractors on March 6 for a bid opening set for 2 p.m., Thursday, March 29 in the main conference room in City Hall.

### **Information Technology Department**

#### **Two-Factor Authentication (2FA)**

If you're worried about your financial accounts or social media sites getting hacked, the best thing you can do protect yourself is turn on two-factor authentication.

Minutes of the regular March 20, 2018 meeting of the City Council, City of Eden:

Two-factor authentication (2FA), sometimes referred to as two-factor identification, is an additional layer of protection beyond your password. It significantly decreases the risk of a hacker accessing your online accounts by combining your password (something you know) with a second factor, like your mobile phone (something you have). Even if a hacker has your username and password, they still would not be able to access your accounts. Many of the world's largest websites have made 2FA readily available from the security settings of your online accounts, but it's up to you to turn on this free feature.

How you access and turn on 2FA is different for every site or service you use. Telesign has put together a website with tutorials on how to turn on 2FA for specific applications, online services, and social media. <https://www.turnon2fa.com/>

***You can find tutorials on some of the more popular sites and services here:***

<https://www.turnon2fa.com/tutorials/>

***The IT Department recommends using Authy as the second factor app. It's available free for both iOS and Android.***

***Authy for iOS (iPhone, iPad, and Mac)***

<https://itunes.apple.com/us/app/authy/id494168017>

***Authy for Android***

<https://play.google.com/store/apps/details?id=com.authy.authy>

***Google Authenticator is also a popular choice for 2FA. It's also available for both iOS and Android.***

***Google Authenticator for iOS (iPhone, iPad, and Mac)***

<https://itunes.apple.com/us/app/google-authenticator/id388497605?mt=8>

***Google Authenticator for Android***

<https://play.google.com/store/apps/details?id=com.google.android.apps.authenticator2>

### ***Municipal Services Department***

#### ***Dash Cameras On Refuse Collection Trucks***

The City of Eden has recently installed dash cameras on the refuse collection trucks to improve efficiency and safety for the citizens as well as to document situations where refuse collection cans may or may not be out for collection when the truck arrives for collection.

### ***Parks & Recreation Department***

Minutes of the regular March 20, 2018 meeting of the City Council, City of Eden:

**Community Accents Program & Parks & Recreation Radio Program**

Staff participated in the Community Accents Program with WLOE (Wonderful Land of Eden) radio on March 9, the Parks & Recreation Radio Program with WLOE on March 28, and the Community Accents Program with WLOE on April 13 to update residents about the programs being offered by the Department during March and April.

**Community Outreach Efforts**

Staff will make a presentation to the Eden Garden Club about the Matrimony Creek Greenway Project on April 3.

Staff attended and presented information at the City of Eden Strategic Plan public informational meeting that was held on March 1 as it related to issues involving recreation and health.

**Opening Ceremonies of Senior Games**

The Opening Ceremonies of Senior Games will take place on April 17. For more information on the Senior Games please contact Johnny Farmer, Director of Parks & Recreation, at [jfarmer@edennc.us](mailto:jfarmer@edennc.us).

**Softball Tournaments - Upcoming**

There are softball tournaments scheduled at Freedom Park on April 7 - 8, and April 14 -15.

**Knights of Columbus Free Throw Contest**

There was a Knights of Columbus Free Throw Contest at the Mill Avenue Gym on Feb. 27.

**Be Healthy Rockingham County**

Staff continues to be involved with Be Healthy Rockingham. They attended the Be Healthy Rockingham meeting on Feb. 20 and March 20.

**Dog Park - Update**

The fencing has been installed at the Freedom Park Dog Park and the water fountains, trashcans and benches have all been delivered. As soon as the area dries, City staff is planning to install the water lines. Once the water lines are installed and the water fountains, trashcans and benches are in place, the Freedom Park Dog Park can open. This project is scheduled for completion in April.

**Matrimony Creek Greenway - Update**

Minutes of the regular March 20, 2018 meeting of the City Council, City of Eden:

The Matrimony Creek project is moving forward. Staff has started clearing the Greenway area and installing stone and continues as the weather permits. The parking area and restroom location have been staked out and work will begin in this area as the weather improves. A purchase order is being issued for the restroom construction, and work should begin on this within the next few weeks. Staff has requested a budget amendment and extension to July 20 for the completion for this project, and both have been approved. The City Council approved an allocation of \$45,000 at their Feb. 20 City Council meeting from the *Positively Eden* strategic plan fund account to fully fund this project.

### **Freedom Park Nature Trail and Improvements - Update**

City staff has finished applying news stone and granite dust on the natural trail at Freedom Park and have laid out the RV pads and are in the process of applying rock and stone to the pad areas. Purchase orders have been issued for the water and sewer connections and for the electrical connections. This project will be completed by the spring.

### **Planning & Inspections Department**

#### **Collections – Previous & Proposed**

Monthly statements were mailed to all property owners having an outstanding balance due to the City. In addition, we will follow-up on any title transfers or foreclosures.

#### **Code Enforcement – Previous & Proposed**

Fourteen notices have been mailed by certified mail and first class mail; one for a miscellaneous violation, one for a zoning violation, 10 for junk violations and two complaints and Notice of Hearing were mailed for violation of the Minimum Housing Code. In addition, we will follow up on all violations that have expired deadlines.

#### **GIS – Previous & Proposed**

Staff provided maps to staff members that were requested. In addition, we continue to work on updating our data with the Census Bureau. This is a lengthy process requiring us to compare our information with their GIS data shapefiles.

#### **Historic Preservation Commission**

The Historic Preservation Commission met on Feb. 26. The main item of discussion was about the First Baptist Church proposed steeple replacement. The steeple ordered (and received) to replace the current steeple is a “generic” steeple that does not conform to the historical integrity of



Minutes of the regular March 20, 2018 meeting of the City Council, City of Eden:

the church building. Commission members (and church members) are upset about this. The commission has sent a letter to the church asking the church to reconsider their decision. Letters have also been sent from the Eden Preservation Society and the State Historic Preservation Office (SHPO) has also been consulted. It should be noted that the Historic Preservation Commission does not have any jurisdiction over this matter, however they still felt it was their duty to try to preserve the historic integrity of this building, which is on the National Register.

### **Strategic Planning Commission**

Staff is drafting an ordinance to create the Strategic Planning Commission and the rules of procedure for the same. This material will be presented to the Planning Board in March. In addition, staff has been working on coordinating and sponsoring a developer's stakeholders meeting as outlined in the Strategic Plan.

### **Community Appearance Commission**

The Community Appearance Commission met on March 6. During this meeting they discussed plans for improvements to the small park in Draper (corner of Stadium and Fieldcrest). Merchants and the property owner have been consulted and are in favor of the project. Mr. Paul Dishmon, Director of Municipal Services, has been asked to develop a cost estimate and to see if city crews can do the work. The Community Appearance Award for March was awarded to 5 Star Realty on Washington Street. Unfortunately, only three members were present for this meeting, and this was the case last month as well. If members continue to be absent it is difficult for the Commission to accomplish anything substantial.

### **Planning Board**

Fasil Khan has applied for a mixed-use planned development rezoning for the Spray Cotton Mill complex, not including the Mercantile Building which will be considered by the Planning Board in March.

### **Sign Ordinance Revisions**

Staff is working on revisions to the sign ordinance. The Community Appearance Commission has reviewed and made recommendations and the proposed ordinance will be presented to the Planning Board in April.

### **Urban Forestry Grant – Draper Pocket Park**

Staff is working on a grant application for the Draper Pocket Park on the former Stratton property in Draper.

Minutes of the regular March 20, 2018 meeting of the City Council, City of Eden:

### **Ashton Way Apartments**

Wynnefield Development has officially purchased the property on E. Harris Place from Osborne Investments and anticipates beginning construction on the Ashton Way Apartments in the near future.

### **Police Department**

#### **Eden Makes The 2018 Safest Cities in North Carolina List**

The National Council for Home Safety and Security has released its 2018 Safest Cities in North Carolina List, which can be viewed in its entirety at <https://www.alarms.org/safest-cities-in-north-carolina-2018/>. You will note that Eden is ranked 31 on the list with 5.28 violent crimes and 36.95 property crimes per 1,000 inhabitants. To identify the safest cities in North Carolina the most recent FBI Uniform Crime Report statistics were reviewed. The violent crimes would include: aggravated assault, murder, rape, and robbery) and the property crimes would include: burglary, arson, larceny-theft, and motor vehicle theft). Congratulations to the members of our Police Department who work diligently in their service to our community.

#### **Internal Interviews, Promotions & New Hires**

On Feb. 14, interviews were held with the individuals expressing an interest in filling the vacant Sergeant positions within the department. Officer David Stepps and Detective Daniel Abbruscato were selected to fill the two patrol sergeant positions. Sergeant Stepps was assigned to "A" Squad effective Feb. 28. Detective Abbruscato will be assigned to "B" Squad effective April 6. Detective Brian Disher was selected to assume the role of sergeant in criminal investigations. Sergeant Disher was reassigned to sergeant of criminal investigations on Feb. 14 - this position was effective immediately due to the position being vacant. Detective Sam Reid was selected for the Special Operations/Narcotics Sergeant. The effective date of the promotion for Sam Reid will be finalized in the near future pending the retirement date of Lieutenant Richie Jeffries.

As a result of the promotions and the addition of the new COPS grant position assigned to the detective unit, four detective vacancies were created. Chief Light posted the vacancies internally on Feb. 15. The internal posting closed on Feb. 26 at 4 p.m. Chief Light scheduled interviews for March 8. The interview panel interviewed eight applicants for the vacant detective positions. At the conclusion of the interviews, Brandon Buckner, Josh Roberts, Tyson Scales and Eric Worley were selected to fill the vacancies in the detective unit. The effective dates of lateral transfer will be finalized in the upcoming weeks.

There will be some realignment of the Administrative Division. The Deputy Chief will oversee operations of the Patrol and Investigations Divisions. Duties will include management of these

Minutes of the regular March 20, 2018 meeting of the City Council, City of Eden:

divisions and will include assigning and managing department training and certifications as well as fleet vehicle assignment. The Administrative Captain will oversee the Administrative Sergeant and other Support Personnel. This position will directly supervise all School Resource Officers, the Downtown District Officer and Records personnel. Duties of the Administrative Captain will also include extra duty/special duty assignments, grant writing, records, DCI administrator, purchasing, and policy review/writing. The Administrative Sergeant will directly supervise Animal Control Officers. Responsibilities of the Administrative Sergeant will include being the primary property and evidence custodian (to include in-car and body cam video evidence), patrol and detective equipment selection and maintenance (to include camera systems, radios, etc.), uniform and safety equipment needs, and fingerprint card review and Live Scan device administrator. The Downtown District Officer will become the secondary evidence custodian. Please understand, this is not a job description for these positions. It is a realignment of assigned duties to each position to make our department operate more efficiently for our day-to-day operations.

Currently, there are three applicants in the final stages of the hiring process for full-time police officer positions and one applicant in the final stage for a reserve officer position with the Eden Police Department.

### **Public Utilities Department**

#### **2017 Water Quality Report**

The 2017 Water Quality Report was recently distributed to the customers of the City of Eden Water Filtration Plant. The Water Quality Report contains information from the EPA, information on the source water and ways to protect it. Also included is some of the testing that has been done by the water plant staff during the past year to insure a safe and pleasant quality to the water that leaves the plant and is pumped into the distribution system. Customers may see members of the Water Plant staff throughout the distribution system testing to insure the standards are maintained within the entire system. A copy of the 2017 Water Quality Report can be found at:

<https://www.edennc.us/DocumentCenter/View/10316>

#### **The New Street Sewer Improvements Project - Update**

The owners of the MGM Warehouse property formally asked that the city provide sewer to their warehouse facilities on New Street. This is due to the inoperable condition of the old Fieldcrest Mills wastewater treatment plant on the MGM property. Because this property is in the City, we are obligated to provide sewer service to this property. The city staff developed a scope of work where we plan to develop a pumping station on the property of adequate size to handle the MGM workforce operations, Gildan's workforce operations, prepare for limited growth on the adjacent

Minutes of the regular March 20, 2018 meeting of the City Council, City of Eden:

potential industrial development sites, and consolidate the Weil McLain pump station into the new larger pumping station. This new pump station will improve efficiency while expanding sewer services in this area.

The city staff began working to secure a funding source for this project late last summer. A funding application was submitted to the North Carolina Department of Commerce in October of 2017 and the city was formally notified in December of 2017 that the project had been funded with a \$997,000 grant from the North Carolina Commerce Rural Infrastructure Authority. Design work on the project is currently underway and construction should begin in early summer with completion expected in the early to late fall of this year.

### **EPA AOC and Mandatory Projects to Stop Sanitary Sewer Overflows – Update**

This EPA Administrative Order on Consent project includes over \$33,725,000 worth of sewer improvements that will be completed in the next four years. This project is funded with a \$16,660,000 principle forgiveness grant, a \$15,000,000 zero percent interest loan and \$2,056,600 from the City of Eden. This undertaking is a massive project that will see sewer line improvements in virtually every corner of the City. The engineering design work is now over 50 percent complete and submittals for approval will be made during the early summer this year with construction expected to begin in early 2019. Construction to complete the needed work will then be ongoing through mid- to late 2021. e anticipate that the EPA AOC will be completely satisfied by the five-year deadline of its issuance date of April 22, 2017 – April 22, 2022.

Mayor Hall said the report was very informative and answered a lot of questions. It was available to anyone in the city. He appreciated the city manager's and department head's work in getting the information prepared.

Council Member Burnette said it addressed rumors as well.

Council Member Grogan said she encouraged anyone in the public to read it. It was available and answered a lot of questions.

### **CONSENT AGENDA:**

- a. Approval and Adoption of February 20, 2018 and February 24, 2018 Minutes.
- b. Consideration and approval of the final development plan for Summit Place, Phase 3, a Planned Unit Development located on Wilshire Drive. ZONING CASE Z-12-01.
- c. Consideration of Knuckle Boom Truck Financing for 5 years.

Minutes of the regular March 20, 2018 meeting of the City Council, City of Eden:

On January 16, 2018, City Council approved the purchase of a new knuckle boom truck for the Solid Waste department to be financed for a 5-year term. On February 23, 2018, Assistant Finance Director Amy Winn requested bids from local banks for the financing and received the following quotes:

BB&T	3.19%
Carter Bank & Trust	2.74%
United Financial (Home Trust)	2.04%

The lowest quote was from United Financial at 2.04%. The first payment would not be due until next fiscal year (2018-2019) and the annual payments will be \$30,920.94 for five years. Ms. Winn respectfully asked that Council approved United Financial (Home Trust) as the successful bid.

d. Approval and Adoption of Budget Amendment 1.

The City of Eden received a grant from the North Carolina Community Foundation for the extension of the Smith River Greenway parking lot in fiscal year 2016-2017; however, the project was not completed during this budget year and the funds were transferred to the General Fund fund balance. The attached budget amendment appropriates the grant funds for this project from Fund Balance Appropriated to the Economic and Tourism Department budget.

	Account #	From	To	Amount
<b>General Fund Revenues</b>				
Fund Balance Appropriated	10-3991-99100	\$ -	\$ 15,000.00	<u>\$ 15,000.00</u>
<b>General Fund Expenditures</b>				
Econ Dev C/O Land Improvements	10-4135-54000	\$ -	\$ 15,000.00	<u>\$ 15,000.00</u>

Appropriates grant funds received for the Smith River Greenway Parking Lot extension.

Adopted and effective this 20th day of March, 2018.

Attest:

\_\_\_\_\_  
Sheralene Thompson, City Clerk

\_\_\_\_\_  
Neville Hall, Mayor

e. Approval and Adoption of Budget Amendment 2.

During fiscal year 2017-2018, three events (Riverfest, Oink & Ale, and Shaggin' on Fieldcrest) that had been accounted for through the Downtown Development Corporation are now being accounted for in the city's financial statements. The attached budget amendment appropriates the revenue that was transferred to the city's account to the specific line items in the Economic Development & Tourism budget.

Minutes of the regular March 20, 2018 meeting of the City Council, City of Eden:

	Account #	From	To	Amount
<b>General Fund Revenues</b>				
Riverfest	10-3350-02100	\$ -	\$ 44,000.00	\$ 44,000.00
Oink & Ale Festival	10-3350-02200	\$ -	\$ 1,100.00	\$ 1,100.00
Shaggin' on Fieldcrest	10-3350-02300	\$ -	\$ 3,500.00	\$ 3,500.00
				<u>\$ 48,600.00</u>
<b>General Fund Expenditures</b>				
Riverfest	10-4135-30210	\$ -	\$ 44,000.00	\$ 44,000.00
Oink & Ale Festival	10-4135-30220	\$ -	\$ 1,100.00	\$ 1,100.00
Shaggin' on Fieldcrest	10-4135-30230	\$ -	\$ 3,500.00	\$ 3,500.00
				<u>\$ 48,600.00</u>

Appropriates festival proceeds to expenditure line items.

Adopted and effective this 20th day of March, 2018.

Attest:

\_\_\_\_\_  
Sheralene Thompson, City Clerk

\_\_\_\_\_  
Neville Hall, Mayor

f. Approval and Adoption of Budget Amendment 3.

The attached budget amendment appropriates the reimbursement we received from North Carolina Department of Public Safety to cover the expenditures incurred for the tornado cleanup. This amendment increases the Storm Damage line item in the Solid Waste Department.

	Account #	From	To	Amount
<b>General Fund Revenues</b>				
Tornado Cleanup Reimbursement	10-3451-82000	\$ -	\$ 102,500.00	\$ 102,500.00
<b>General Fund Expenditures</b>				
Solid Waste Storm Damage	10-4710-29300	\$ -	\$ 102,500.00	\$ 102,500.00

Appropriates reimbursement from NC Department of Public Safety for tornado cleanup.

Adopted and effective this 20th day of March, 2018.

Attest:

\_\_\_\_\_  
Sheralene Thompson, City Clerk

\_\_\_\_\_  
Neville Hall, Mayor

g. Approval and Adoption of Budget Amendment 4.

Minutes of the regular March 20, 2018 meeting of the City Council, City of Eden:

The attached budget amendment appropriates \$5,000 from the reserved fund balance for Historic Preservation to the Eden Historical Museum to assist with museum repairs. As of June 30, 2017, the fund balance reserved for Historic Preservation was \$7,825.

	Account #	From	To	Amount
<b>General Fund Revenues</b>				
Fund Balance Approp - Historic Preservation	10-3991-99700	\$ -	\$ 5,000.00	<u>\$ 5,000.00</u>
<b>General Fund Expenditures</b>				
Planning Historic Preservation Expense	10-4910-29903	\$ -	\$ 5,000.00	<u>\$ 5,000.00</u>

Appropriates funds to the Eden Historical Museum for museum repairs.

Adopted and effective this 20th day of March, 2018.

Attest:

\_\_\_\_\_  
Sheralene Thompson, City Clerk

\_\_\_\_\_  
Neville Hall, Mayor

**h. Approval and Adoption of Budget Amendment 5.**

The attached budget amendment appropriates funds received from the Bulletproof Vest Grant Program. This amendment increases the Police Safety Equipment line item to cover a portion of the costs of bulletproof vests.

	Account #	From	To	Amount
<b>General Fund Revenues</b>				
Bulletproof Vest Grant Program	10-3431-86000	\$ -	\$ 2,800.00	<u>\$ 2,800.00</u>
<b>General Fund Expenditures</b>				
Police Safety Equipment	10-4310-21300	\$ -	\$ 2,800.00	<u>\$ 2,800.00</u>

Appropriates funds received from the Bulletproof Vest Grant Program.

Adopted and effective this 20th day of March, 2018.

Attest:

\_\_\_\_\_  
Sheralene Thompson, City Clerk

\_\_\_\_\_  
Neville Hall, Mayor

A motion was made by Council Member Burnette to approve the consent agenda. Council Member Hampton seconded the motion. All members voted in favor of the motion.

Minutes of the regular March 20, 2018 meeting of the City Council, City of Eden:

ANNOUNCEMENTS:

Council Member Ellis said the quarter cent sales tax increase was good for the college. It was needed to expand the workforce, to prepare the students for the future. He was highly in support of it. It was important for the county, for the city as well.

Mayor Hall said there was a lot of good information about it available online and throughout the county. If anyone had questions, they should not hesitate to contact someone in the city to get information about it.

Council Member Epps wanted to thank the law enforcement there protecting them with all that was happening. He agreed with getting resources for the schools.

Council Member Grogan said she and the Mayor had the opportunity to represent the Council in Washington the previous week. They had been able to learn what other states and communities were doing and to network. The need for workforce development was mentioned on several occasions. She wanted to thank the community for giving them the opportunity to go and represent them.

Mayor Hall agreed. Issues like workforce development were not only in small cities like Eden. Big cities all over the country were experiencing the same issue. Like Council Member Ellis said, there was a movement to try and change the direction of workforce development in the area. Hopefully things would begin to get better as far as that went. It was a major problem everywhere and a social issue too.

CLOSED SESSION:

a. Closed Session in accordance with GS 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded; and (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment. Any action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.



March 20, 2018

City of Eden, N.C.

Minutes of the regular March 20, 2018 meeting of the City Council, City of Eden:

*This item was pulled from the agenda.*

ADJOURNMENT:

A motion was made by unanimous consent to adjourn.

Respectfully submitted,

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Sheralene Thompson, MMC, NCMMC  
City Clerk

ATTEST:

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Neville Hall  
Mayor



To: Honorable Mayor and City Council

Thru: Brad Corcoran, City Manager

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

Date: April 17, 2018

Re: Budget Amendment # 6

When the City purchases vehicles with installment purchases, it is required to show the loan proceeds as revenue and the payment to the vendor as an expenditure in the financial statements. The attached amendment increases the General Fund revenue line item "loan proceeds" and also increases the Solid Waste Department Capital Outlay – Vehicles for the purchase of a knuckle boom truck.



**MEMORANDUM**

To: Honorable Mayor and City Council  
Thru: Brad Corcoran, City Manager  
From: Amy P. Winn  
Assistant Director of Finance  
Date: April 17, 2018  
Subject: Budget Amendment # 6

	Account #	From	To	Amount
<b>General Fund Revenues</b>				
Loan Proceeds	10-3850-86000	\$ 2,039,900.00	\$ 2,180,800.00	<u>\$ 140,900.00</u>
<b>General Fund Expenditures</b>				
Solid Waste C/O Vehicles - Depr	10-4710-55000	\$ 285,000.00	\$ 425,900.00	<u>\$ 140,900.00</u>

Appropriates loan proceeds for Solid Waste knuckle boom truck.

Adopted and effective this 17th day of April, 2018.

Attest:

\_\_\_\_\_  
Sheralene Thompson, City Clerk

\_\_\_\_\_  
Neville Hall, Mayor



To: Honorable Mayor and City Council

Thru: Brad Corcoran, City Manager

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

Date: April 17, 2018

Re: Budget Amendment # 7

In May 2017, the city purchased vending machines for Public Works and City Hall and are operated and maintained by our Facilities & Grounds department. Line items have been created to account for the proceeds and expenditures related to the vending machines. These line items will be the same amount; therefore, there is no cost to the city. The attached amendment allocates funds for the proceeds received from these machines and the expenditures to stock them.



**MEMORANDUM**

To: Honorable Mayor and City Council  
Thru: Brad Corcoran, City Manager  
From: Amy P. Winn  
Assistant Director of Finance  
Date: April 17, 2018  
Subject: Budget Amendment # 7

	Account #	From	To	Amount
<b>General Fund Revenues</b>				
Vending Machine Proceeds	10-3412-43000	\$ -	\$ 7,000.00	<u>\$ 7,000.00</u>
<b>General Fund Expenditures</b>				
Facilities & Grounds Vending Supplies	10-4190-29300	\$ -	\$ 7,000.00	<u>\$ 7,000.00</u>

Appropriates funds received and expended for vending machines.

Adopted and effective this 17th day of April, 2018.

Attest:

\_\_\_\_\_  
Sheralene Thompson, City Clerk

\_\_\_\_\_  
Neville Hall, Mayor



To: Honorable Mayor and City Council

Thru: Brad Corcoran, City Manager

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

Date: April 17, 2018

Re: Budget Amendment # 8

In fiscal years 14-15 and 15-16, we received a grant from K B Reynolds Charity Trust for the Get Fit Eden Program in the amount of \$19,800. As of June 30, 2017, we had a remaining balance of \$4,034.17 and the attached budget amendment appropriates the fund balance for the amount of remaining grant funds.



**MEMORANDUM**

To: Honorable Mayor and City Council  
Thru: Brad Corcoran, City Manager  
From: Amy P. Winn  
Assistant Director of Finance  
Date: April 17, 2018  
Subject: Budget Amendment # 8

	Account #	From	To	Amount
<b>General Fund Revenues</b>				
Fund Bal Approp - Get Fit Eden	10-3992-99100	\$ -	\$ 4,000.00	<u>\$ 4,000.00</u>
<b>General Fund Expenditures</b>				
Get Fit Eden	10-9920-69983	\$ -	\$ 4,000.00	<u>\$ 4,000.00</u>

Appropriates grant funds received for the Get Fit Eden program remaining from FY 2016-2017.

Adopted and effective this 17th day of April, 2018.

Attest:

\_\_\_\_\_  
Sheralene Thompson, City Clerk

\_\_\_\_\_  
Neville Hall, Mayor



## Police Department

*"Putting Our Community First"*

# Memo

To: Honorable Mayor and City Council  
Thru: Brad Corcoran, City Manager  
From: Greg Light, Chief of Police/John Edwards, Captain  
Date: April 9, 2018  
Re: **Amendments to Chapter 3: Animals**

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Chapter 3 of the Eden City Code has been amended to reflect what other surrounding communities have enforced, particularly to address animal cruelty. The current ordinance pertaining to animal cruelty has not been updated since 1999. Cruel Treatment was amended and removed from Article II Section 3-34 and added to a new section under Article I Section 3-8 Cruel Treatment.

The new section will address more humane ways of keeping an animal, especially animal tethering, adequate food, water and shelter.

All proposed changes are identified in the attached proposed ordinance by current language being stricken through and new language written in red type.

We will allow a grace period of six months to allow citizens to meet the requirements.

Our recommendation to Council is that you adopt the proposed amendment to this Chapter of the City of Eden Code. Please consider this ordinance at your April 17, 2018 meeting and please do not hesitate to contact us if you have any questions or concerns.



## ARTICLE I: IN GENERAL

### Section

- 3-1 Running at large prohibited
- 3-2 Animal fights prohibited
- 3-3 Keeping animals generally
- 3-4 Keeping hogs or pigs prohibited
- 3-5 Sanitary enclosures; abatement of nuisance
- 3-6 Removal of dead animals
- 3-7 Compliance with rabies law
- 3-8 Cruel Treatment

#### **Statutory reference:**

*Municipal regulation of animals, see G.S. §§ 160A-182, 160A-186 et seq.*

### **§ 3-1 RUNNING AT LARGE PROHIBITED.**

It shall be unlawful for any person to permit any animal or fowl under his control to run at large in the city except as permitted elsewhere in this chapter.

('89 Code, § 3-1) Penalty, see § 3-91 *et seq.*

### **§ 3-2 ANIMAL FIGHTS PROHIBITED.**

(A) It shall be unlawful for any person to incite or cause any animal to fight.

(B) It shall be unlawful for any person to commit any of the acts made unlawful by the provisions of G.S. §§ 14-362 and 14-362.1 or to commit any other act made unlawful by any other state law relating to animal fighting or baiting. The repeal of such state law or laws shall have no effect upon this section and the acts made unlawful by this section shall, in the event of such repeal, be those referred to in such law immediately prior to such repeal.

('89 Code, § 3-2) Penalty, see § 3-91 *et seq.*

#### **Statutory reference:**

*Animal fighting or baiting prohibited, see G.S. §§ 14-362, 14-362.1*

### **§ 3-3 KEEPING ANIMALS GENERALLY.**

(A) *Roosters.*

(1) The City Council finds that the noise and disturbance associated with the keeping of roosters by individuals, corporations or entities within the City's corporate limits constitutes a nuisance.

**Eden - Animals**

(2) No person, corporation or entity may cause, suffer or permit roosters to be kept on any property situated within the corporate limits of the City.  
('89 Code, § 3-3) (Am. Ord. passed 4-21-09) Penalty, see § 3-91 *et seq.*

**(B) Chickens.**

(1) It shall be unlawful for any person to keep more than twenty (20) female chickens within the corporate limits of the City.

(2) Female chickens must be kept a minimum of one hundred (100) feet from the dwelling house of another person.

(3) All chicken houses and lots must be maintained in a clean and sanitary condition at all times.

(4) It shall be unlawful to raise female chickens for commercial purposes within the corporate limits of the City.

('89 Code, § 3-3) (Am. Ord. passed 4-21-09) Penalty, see § 3-91 *et seq.*

**(C) Other Animals.**

It shall be unlawful for any person to confine, tie, stake out, keep or allow any cow, horse, goat, sheep or any other animal or fowl not mentioned in paragraphs (A) and (B) above to be kept or to remain on his premises closer than 100 feet from the dwelling house of another person, provided this section shall not apply to a dog or cat confined within the fenced yard of its owner if the fence is located adjacent to three of the outside boundaries of the owner's yard and the fenced-in area is equal to one-half the minimum required lot area for the permitted use of the property according to the zoning ordinances of the city. ('89 Code, § 3-3) (Am. Ord. passed 4-21-09) Penalty, see § 3-91 *et seq.*

**§ 3-4 KEEPING HOGS OR PIGS PROHIBITED.**

It shall be unlawful for any person to maintain, keep or raise any hog or pig within the corporate limits.

('89 Code, § 3-4) Penalty, see § 3-91 *et seq.*

**§ 3-5 SANITARY ENCLOSURES; ABATEMENT OF NUISANCE.**

(A) Pens, coops and other enclosures where animals or fowl are fed or kept shall be maintained at all times in a clean and sanitary condition so as not to constitute a public nuisance or give offense to persons in the vicinity. Waste shall not be permitted to accumulate but shall be removed and disposed of in a sanitary and lawful manner.

(B) Upon complaint or of his own volition, the City Manager may cause an investigation to be made of any pen, coop or other enclosure where animals or fowl are kept or fed. If during the investigation it appears there is a violation of subsection (A), the investigating official shall direct the responsible person to take necessary action to abate the nuisance within a reasonable time.

('89 Code, § 3-5) Penalty, see § 3-91 *et seq.*

**§ 3-6 REMOVAL OF DEAD ANIMALS.**

Dead dogs, cats and smaller animals will be removed from any public way or public property by the city upon notice to the Police Department of the existence of such dead animal. Large animals such as horses, ponies, cows, etc., shall be immediately and properly disposed of by the owner. Any dead animal or fowl on private property shall be immediately and properly disposed of by the property owner and it shall be unlawful for any person to allow a dead animal to remain on any premises in his legal possession or under his control.

('89 Code, § 3-6) Penalty, see § 3-91 *et seq.*

**§ 3-7 COMPLIANCE WITH RABIES LAW.**

(A) The failure of an owner to comply with any law of the state relating to the control of rabies shall constitute a violation of this section. Specifically, but not to be construed as a limitation hereof, it shall be unlawful for an owner to fail to have each dog or cat owned by him vaccinated against rabies as required by such state law and to procure the metal tag issued upon such vaccination. Such tag shall be referred to in this chapter as the metal rabies tag.

(B) It shall be unlawful for any owner to fail to provide each dog or cat owned by him which is required by state law to be vaccinated against rabies with a collar or harness to which a currently valid metal rabies tag is securely attached.

(C) It shall be unlawful for any person to place or cause or allow to be placed on any dog or cat a metal rabies tag other than such tag duly issued with respect to such dog or cat.

('89 Code, § 3-7) (Am. Ord. passed 9-21-10) Penalty, see § 3-91 *et seq.*

**Statutory reference:**

*Rabies control law, see G.S. § 130A-184 et seq.*

**§ 3-8 CRUEL TREATMENT.**

(A) It shall be unlawful for any person to **needlessly and without justifiable excuse** molest, torture, torment, deprive of necessary sustenance, cruelly beat, ~~needlessly~~ mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any **animal** ~~dog~~ or to cause or procure such action. The words “torture,” “torment,” or “cruelly” shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted, but such shall not be construed to prohibit an animal control officer or veterinarian from destroying dangerous, unwanted or injured animals in a humane manner or from destroying impounded animals as provided in § 3-67 *et seq.*

(B) It shall be unlawful for any person to keep **animals** ~~dogs~~ under unsanitary or inhumane conditions; to fail to provide proper food and water daily, shelter from the weather, reasonably clean quarters and proper medical attention for sick, diseased or injured **animals** ~~dogs~~, as well as adequate inoculation against disease.

(C) *Tethering*: It shall be unlawful for any person to tether ~~an animal~~ a dog in a manner as to cause injury, strangulation or entanglement of the animal on fences, trees, or other manmade or natural obstacles; or to a fixed-point; or that is under four (4) months of age; or that is sick or injured. It shall be unlawful to fail to provide any ~~animal~~ dog with adequate space. "Adequate space" means sufficient space to allow each dog to easily stand, sit, lie, turnabout, and make all other normal body movements in a comfortable, normal position for the ~~animal~~ dog and interact safely with other animals in the enclosure.

When ~~an animal~~ a dog is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the ~~dog-animal~~. The tether must be attached to the ~~dog-animal~~ by a properly applied collar, halter, or harness configured so as to protect the ~~dog animal~~ from injury and prevent the ~~dog-animal~~ or the tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the ~~dog animal~~.

*Fixed*. Tethered ~~dogs-animals~~ must be attached to a swiveled ground anchor by a coated cable wire at least fifteen (15) feet in length and of sufficient strength to restrain the ~~dog-animal~~ without breaking. Chains, ropes, twine, cords and non-cable wire are not acceptable types of tethers. All tethers must have swivels attached at both ends to prevent twisting. The area should be free of garbage and other debris that can harm the ~~dog-animal~~. There should be no fences or objects within the radius of the tether that the ~~dog-animal~~ can get hung upon. The tether must be arranged so as to be free from obstacles that may limit the movable length of the tether. Tethers must be attached to a safe and secure harness or collar. Under no circumstances shall the tether be placed directly around the ~~dog's animal's~~ neck. Tethers are never to be used in conjunction with training collars such as choke or pinch prong style collars. Shelter and water must be present and always within reach of a tethered ~~dog-animal~~. If a tethered ~~dog-animal~~ cannot reach its shelter or water due to a tangled or shortened tether or if the tether does not meet the requirements of this section, the owner or keeper of the ~~dog-animal~~ is considered to be in violation.

*Running cable line or "trolley system."* A running cable line (minimum of fifteen (15) feet in length) must be firmly secured to fixed anchor points (i.e. posts, trees or fences) and attached at least four (4) feet but not more than seven (7) feet above ground. The tether shall be attached to the running cable line and must have a swivel at both ends to prevent entanglement and must have a stopper device attached near each end of the running cable line to prevent the cable wire tether from entangling around the anchor points. The running cable line must be of sufficient strength to support the tether cable wire and restrain the ~~dog-animal~~ without breaking. Tethers must be attached to a safe and secure harness or collar. Under no circumstances shall the tether be placed directly around the ~~dog-animal's~~ neck. Tethers are never to be used in conjunction with training collars such as choke or pinch style collars. Only one (1) animal may be tethered to a single running cable line or trolley system. Shelter and water must be present and always within reach of the tethered ~~dog-animal~~. If the tethered ~~dog-animal~~ cannot reach the shelter or water due to a tangled or shortened tether, or if the running cable line or trolley system does not meet the requirements of this section, the owner or keeper of the ~~dog-animal~~ is considered to be in violation.

(D) *Adequate Shelter*: No person owning or responsible for any animal shall fail to provide the animal with proper shelter, protection from the weather or humanely clean conditions as prescribed in this section.

*Adequate shelter* means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats provides a solid surface, level resting platform, pad, floor mat, or similar device that is large enough for the dog or cat to lie on in a normal manner and can be maintained in a sanitary manner. Adequate shelters for a dog or cat should consist of (3) walls, a top and a floor. Under this chapter, shelters whose wire, grid, or slat floor (i) permit the animal's feet to pass through the openings, (ii) sag under the animal's weight, or (iii) otherwise do not protect the animal's feet or toes from injury are not adequate shelter. Crawl spaces under building/decks, under or in a vehicle, made from materials easily degraded by the elements, carriers or crates designed for temporary housing are not defined as adequate shelter. When sunlight is likely to cause heat exhaustion of an animal tied or confined outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.

(E) Adequate Food & Water

*Adequate food:* The provision at suitable intervals, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. Such foodstuff shall be served in a receptacle, dish, or container that is physically clean.

*Adequate water* – Means provision of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and a suitable intervals, to maintain normal hydration for the age, species, condition, size and type of each animal; and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

(F) Properly fitted collars required. An owner of a dog or cat shall not permit injury or inflict pain upon such animal from an improperly fitting or embedded collar.

(G) Any act in which an animal is found to have been treated in such a manner inconsistent with this Article as is made unlawful by this section and may be taken up and impounded by the Animal Control Officer. Redemption of such animal ~~dog~~ may be made by the owner thereof upon compliance with the requirements of § 3-68; provided, however, that the Animal Control Officer may impose such other requirements for redemption as are appropriate to ensure treatment of such animal ~~dog~~ that complies with this section.

('89 Code, § 3-34) (Am. Ord. passed 11-16-99) Penalty, see § 3-91 *et seq.*



## ARTICLE II: DOGS AND CATS

### Section

#### *Division 1 Generally*

- 3-26 Definitions
- 3-27 Exemptions from article
- 3-28 Acts deemed to be public nuisance
- 3-29 Dog to be kept on owner's premises; exception
- 3-30 Stray dogs and cats
- 3-31 Vicious dogs - restrictions
- 3-32 Vicious dogs - slaying
- 3-33 Notification of owner, Animal Control Officer or Police Department of injured dog
- ~~3-34 Cruel treatment~~
- 3-34 Release of dog or cat by owner to Animal Control Officer
- 3-35 Interference with Animal Control Officer or veterinarian
- 3-36 Control of Dog Feces

#### *Division 2 Licenses*

- 3-46 License exemptions
- 3-47 Imposition of license tax
- 3-48 Application for license
- 3-49 Term of license; licensing year
- 3-50 Due date for license tax; delinquent payment
- 3-51 Collection and administration of license tax; issuance of license
- 3-52 Impoundment of unlicensed dog

#### *Division 3 Impoundment*

- 3-66 Dogs subject to impoundment
- 3-67 Disposition
- 3-68 Redemption
- 3-69 Adoption of unredeemed dog
- 3-70 Disposition of wounded or diseased dog
- 3-71 Priority of state regulations
- 3-72 Disposition of proceeds
- 3-73 Cats subject to impoundment
- 3-74 Disposition
- 3-75 Redemption
- 3-76 Adoption of unredeemed cat
- 3-77 Disposition of wounded or diseased cat

***DIVISION 1 GENERALLY*****§ 3-26 DEFINITIONS.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

***ANIMAL CONTROL OFFICER.*** The animal warden or dog warden, police officers, officers and employees of the animal control shelter and such other agents, employees or designees of the city, by whatever designation referred to, as may be given the authority of enforcement of the provisions of this article by the city.

***ANIMAL CONTROL SHELTER.*** A place provided and operated by the city, whether or not jointly with another governmental unit for the restraint, care and disposition of animals.

***AT LARGE.*** Off the property of its owner and not under restraint.

***DOG.*** Any male or female dog.

***OWNER.*** Any person owning, keeping, having charge of, sheltering, feeding, harboring or taking care of a dog.

***RESTRAINT.*** Controlled by means of a leash; sufficiently near the owner or handler to be under his direct control and obedient to such person's commands; on or within a vehicle being driven or parked; or within a secure enclosure.

***SPAYED FEMALE.*** Any female dog which has been operated upon to prevent conception.

***STRAY DOG.*** Any dog within the city wandering at large or lost without an apparent owner, or any dog within the city whose owner has failed to comply with the requirements of § 3-7.

***VICIOUS DOG.*** Any dog that has made one or more unprovoked attacks on a human by biting or by causing abrasions or cuts of the skin, or any dog who makes repeated attacks on farm stock or pet animals.

('89 Code, § 3-26)(Am. Ord. passed 02-21-12)

**§ 3-27 EXEMPTIONS FROM ARTICLE.**

Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this article, except for § 3-34.

('89 Code, § 3-27)



**§ 3-28 ACTS DEEMED TO BE PUBLIC NUISANCE.**

The following acts committed by dogs are deemed and designated a public nuisance:

(A) Any act that would result in a dog being defined as a vicious dog;

(B) Repeated chasing, snapping at, attacking or barking at pedestrians, bicyclists or other vehicles off of the owners' premises;

(C) Turning over or removing the contents of garbage containers;

(D) Damaging vegetable or flower gardens;

(E) Being at large, in the case of a female dog, during estrus; and

(F) Any other acts that would constitute a public nuisance under the laws of the state.  
(‘89 Code, § 3-28) Penalty, see § 3-91 *et seq.*

**§ 3-29 DOG TO BE KEPT ON OWNER'S PREMISES; EXCEPTION.**

It shall be unlawful for the owner of a dog to permit or allow his dog to leave the owner's premises, unless the dog is at all times in the presence of and under the control of the owner.

(‘89 Code, § 3-29) Penalty, see § 3-91 *et seq.*

**§ 3-30 STRAY DOGS AND CATS.**

(A) It shall be unlawful for any person knowingly and intentionally to harbor, feed or keep in possession by confinement or otherwise any stray dog or cat unless he has, within 24 hours of the same, notified an animal control officer.

(B) It shall be unlawful for any person to refuse to surrender, when duly requested to do so, any stray dog or cat to an animal control officer.

(‘89 Code, § 3-30) (Am. Ord. passed 02-21-12) Penalty, see § 3-91 *et seq.*

**§ 3-31 VICIOUS DOGS - RESTRICTIONS.**

It shall be unlawful for the owner of a vicious dog to keep it within the city unless it is confined within a secure building or enclosure, or unless it is securely muzzled and under restraint by a competent person who by means of a leash, chain or rope, has such dog firmly under control at all times.

(‘89 Code, § 3-31) Penalty, see § 3-91 *et seq.*

**§ 3-32 VICIOUS DOGS - SLAYING.**

In the event any vicious dog is found running at large and cannot by reasonable and diligent attempt be taken up and impounded, such dog may be slain by an animal control officer.  
(’89 Code, § 3-32)

**§ 3-33 NOTIFICATION OF OWNER, ANIMAL CONTROL OFFICER OR POLICE DEPARTMENT OF INJURED DOG.**

It shall be unlawful for any person injuring a dog by running over or into it with an automobile, motorcycle, bicycle or other vehicle to fail to notify immediately the owner of such dog, the Animal Control Officer or the Police Department.  
(’89 Code, § 3-33) Penalty, see § 3-91 *et seq.*

**~~§ 3-34 CRUEL TREATMENT.~~**

~~(A) It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any dog or to cause or procure such action. The words “torture,” “torment,” or “cruelly” shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted, but such shall not be construed to prohibit an animal control officer or veterinarian from destroying dangerous, unwanted or injured animals in a humane manner or from destroying impounded animals as provided in § 3-67 *et seq.*~~

~~(B) It shall be unlawful for any person to keep dogs under unsanitary or inhumane conditions; to fail to provide proper food and water daily, shelter from the weather, reasonably clean quarters and proper medical attention for sick, diseased or injured dogs, as well as adequate inoculation against disease.~~

~~(C) Any dog which is found to have been treated in such manner as is made unlawful by this section may be taken up and impounded by the Animal Control Officer. Redemption of such dog may be made by the owner thereof upon compliance with the requirements of § 3-68; provided, however, that the Animal Control Officer may impose such other requirements for redemption as are appropriate to ensure treatment of such dog that complies with this section.~~

~~(’89 Code, § 3-34) (Am. Ord. passed 11-16-99) Penalty, see § 3-91 *et seq.*~~

**§ 3-36 ~~§ 3-35~~ RELEASE OF DOG OR CAT BY OWNER TO ANIMAL CONTROL OFFICER.**

Any owner may offer to the Animal Control Officer a dog or cat to be disposed of or destroyed in a humane manner by such officer in the officer's discretion. The Animal Control Officer is hereby authorized but not required to receive such dog or cat for such disposition or destruction, provided that such owner must remit to the Animal Control Officer the fee for such disposition as set forth in the schedule of taxes adopted annually by the City Council. Upon such offer, receipt and payment, the owner shall execute a release upon a form to be provided by the Animal Control Officer, which release shall contain, along with such other matters and things as may be included by the Animal Control Officer, a statement as to the intended disposition or destruction of such dog or cat, which statement shall be acknowledged by the owner. (’89 Code, § 3-35) (Am. Ord. passed 09-21-2010)

**§ 3-37** ~~§ 3-36~~ **INTERFERENCE WITH ANIMAL CONTROL OFFICER OR VETERINARIAN.**

It shall be unlawful for any person to interfere with, hinder or molest an animal control officer or veterinarian in the performance of any duty authorized by this article, or to seek the release of any dog in the custody of an animal control officer except as provided in this article.

('89 Code, § 3-36) Penalty, see § 3-91 *et seq.*

**§ 3-38** ~~§ 3-37~~ **CONTROL OF DOG FECES.**

(A) It shall be unlawful for the owner or custodian of any dog to take said dog off the owner's own property without the means to properly remove and dispose of the dog's feces from any public or private property.

(B) It is the responsibility of a dog's owner or custodian to clean up the dog's feces from any public or private property outside of the dog owner's property. Such property includes, but is not limited to, parks, rights-of-way, paths, and public access areas.

(C) "Means to properly remove and dispose of feces" shall consist of having on or near one's person a device such as a plastic bag, or other suitable plastic or paper container, that can be used to fully clean up and contain dog waste until it can be disposed of in an appropriate container. Such a device must be shown, upon request, to anyone authorized to enforce this chapter. Depositing the feces in any river, body of water or directly into the city's sanitary or storm sewer systems is prohibited and constitutes a violation of this section.

(D) This provision shall not apply to handicapped persons assisted by trained guide or assistance dogs.

(Ord. passed 11-17-09) Penalty, see § 3-91 *et seq*

AN ORDINANCE AMENDING  
THE CITY CODE OF THE CITY OF EDEN

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BE IT ORDAINED BY THE CITY COUNCIL of the City of Eden, North Carolina, that Article I and Article II, Division 1 of Chapter 3 of the Eden City Code is amended as follows:

**ARTICLE I: IN GENERAL**

Section

- 3-1 Running at large prohibited
- 3-2 Animal fights prohibited
- 3-3 Keeping animals generally
- 3-4 Keeping hogs or pigs prohibited
- 3-5 Sanitary enclosures; abatement of nuisance
- 3-6 Removal of dead animals
- 3-7 Compliance with rabies law
- 3-8 Cruel Treatment

**Statutory reference:**

*Municipal regulation of animals, see G.S. §§ 160A-182, 160A-186 et seq.*

**§ 3-1 RUNNING AT LARGE PROHIBITED.**

It shall be unlawful for any person to permit any animal or fowl under his control to run at large in the city except as permitted elsewhere in this chapter.

('89 Code, § 3-1) Penalty, see § 3-91 *et seq.*

**§ 3-2 ANIMAL FIGHTS PROHIBITED.**

(A) It shall be unlawful for any person to incite or cause any animal to fight.

(B) It shall be unlawful for any person to commit any of the acts made unlawful by the provisions of G.S. §§ 14-362 and 14-362.1 or to commit any other act made unlawful by any other state law relating to animal fighting or baiting. The repeal of such state law or laws shall have no effect upon this section and the acts made unlawful by this section shall, in the event of such repeal, be those referred to in such law immediately prior to such repeal.

('89 Code, § 3-2) Penalty, see § 3-91 *et seq.*

**Statutory reference:**

*Animal fighting or baiting prohibited, see G.S. §§ 14-362, 14-362.1*

**§ 3-3 KEEPING ANIMALS GENERALLY.**

(A) *Roosters.*

(1) The City Council finds that the noise and disturbance associated with the keeping of roosters by individuals, corporations or entities within the City's corporate limits constitutes a nuisance.

(2) No person, corporation or entity may cause, suffer or permit roosters to be kept on any property situated within the corporate limits of the City.  
(‘89 Code, § 3-3) (Am. Ord. passed 4-21-09) Penalty, see § 3-91 *et seq.*

(B) *Chickens.*

(1) It shall be unlawful for any person to keep more than twenty (20) female chickens within the corporate limits of the City.

(2) Female chickens must be kept a minimum of one hundred (100) feet from the dwelling house of another person.

(3) All chicken houses and lots must be maintained in a clean and sanitary condition at all times.

(4) It shall be unlawful to raise female chickens for commercial purposes within the corporate limits of the City.

(‘89 Code, § 3-3) (Am. Ord. passed 4-21-09) Penalty, see § 3-91 *et seq.*

(C) *Other Animals.*

It shall be unlawful for any person to confine, tie, stake out, keep or allow any cow, horse, goat, sheep or any other animal or fowl not mentioned in paragraphs (A) and (B) above to be kept or to remain on his premises closer than 100 feet from the dwelling house of another person, provided this section shall not apply to a dog or cat confined within the fenced yard of its owner if the fence is located adjacent to three of the outside boundaries of the owner’s yard and the fenced-in area is equal to one-half the minimum required lot area for the permitted use of the property according to the zoning ordinances of the city. (‘89 Code, § 3-3) (Am. Ord. passed 4-21-09) Penalty, see § 3-91 *et seq.*

**§ 3-4 KEEPING HOGS OR PIGS PROHIBITED.**

It shall be unlawful for any person to maintain, keep or raise any hog or pig within the corporate limits.

(‘89 Code, § 3-4) Penalty, see § 3-91 *et seq.*

**§ 3-5 SANITARY ENCLOSURES; ABATEMENT OF NUISANCE.**

(A) Pens, coops and other enclosures where animals or fowl are fed or kept shall be maintained at all times in a clean and sanitary condition so as not to constitute a public nuisance or give offense to persons in the vicinity. Waste shall not be permitted to accumulate but shall be removed and disposed of in a sanitary and lawful manner.

(B) Upon complaint or of his own volition, the City Manager may cause an investigation to be made of any pen, coop or other enclosure where animals or fowl are kept or fed. If during the investigation it appears there is a violation of subsection (A), the investigating official shall direct the responsible person to take necessary action to abate the nuisance within a reasonable time.

(‘89 Code, § 3-5) Penalty, see § 3-91 *et seq.*

### § 3-6 REMOVAL OF DEAD ANIMALS.

Dead dogs, cats and smaller animals will be removed from any public way or public property by the city upon notice to the Police Department of the existence of such dead animal. Large animals such as horses, ponies, cows, etc., shall be immediately and properly disposed of by the owner. Any dead animal or fowl on private property shall be immediately and properly disposed of by the property owner and it shall be unlawful for any person to allow a dead animal to remain on any premises in his legal possession or under his control.

('89 Code, § 3-6) Penalty, see § 3-91 *et seq.*

### § 3-7 COMPLIANCE WITH RABIES LAW.

(A) The failure of an owner to comply with any law of the state relating to the control of rabies shall constitute a violation of this section. Specifically, but not to be construed as a limitation hereof, it shall be unlawful for an owner to fail to have each dog or cat owned by him vaccinated against rabies as required by such state law and to procure the metal tag issued upon such vaccination. Such tag shall be referred to in this chapter as the metal rabies tag.

(B) It shall be unlawful for any owner to fail to provide each dog or cat owned by him which is required by state law to be vaccinated against rabies with a collar or harness to which a currently valid metal rabies tag is securely attached.

(C) It shall be unlawful for any person to place or cause or allow to be placed on any dog or cat a metal rabies tag other than such tag duly issued with respect to such dog or cat.

('89 Code, § 3-7) (Am. Ord. passed 9-21-10) Penalty, see § 3-91 *et seq.*

#### **Statutory reference:**

*Rabies control law, see G.S. § 130A-184 et seq.*

### § 3-8 CRUEL TREATMENT.

(A) It shall be unlawful for any person to **needlessly and without justifiable excuse** molest, torture, torment, deprive of necessary sustenance, cruelly beat, ~~needlessly~~ mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any **animal** ~~dog~~ or to cause or procure such action. The words "torture," "torment," or "cruelly" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted, but such shall not be construed to prohibit an animal control officer or veterinarian from destroying dangerous, unwanted or injured animals in a humane manner or from destroying impounded animals as provided in § 3-67 *et seq.*

(B) It shall be unlawful for any person to keep **animals** ~~dogs~~ under unsanitary or inhumane conditions; to fail to provide proper food and water daily, shelter from the weather, reasonably clean quarters and proper medical attention for sick, diseased or injured **animals** ~~dogs~~, as well as adequate inoculation against disease.

(C) **Tethering:** It shall be unlawful for any person to tether a dog in a manner as to cause injury, strangulation or entanglement of the animal on fences, trees, or other manmade or natural obstacles; or to a fixed-point; or that is under four (4) months of age; or that is sick or injured. It shall be unlawful to fail to provide any dog with adequate space. "Adequate space" means sufficient space to allow each dog to easily stand, sit, lie, turnabout, and make all other normal body movements in a comfortable, normal position for the dog and interact safely with other animals in the enclosure.

When a dog is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the dog. The tether must be attached to the dog by a properly applied collar, halter, or harness configured so as to protect the dog from injury and prevent the dog or the tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the dog.

*Fixed.* Tethered dogs must be attached to a swiveled ground anchor by a coated cable wire at least fifteen (15) feet in length and of sufficient strength to restrain the dog without breaking. Chains, ropes, twine, cords and non-cable wire are not acceptable types of tethers. All tethers must have swivels attached at both ends to prevent twisting. The area should be free of garbage and other debris that can harm the dog. There should be no fences or objects within the radius of the tether that the dog can get hung upon. The tether must be arranged so as to be free from obstacles that may limit the movable length of the tether. Tethers must be attached to a safe and secure harness or collar. Under no circumstances shall the tether be placed directly around the dog's neck. Tethers are never to be used in conjunction with training collars such as choke or pinch prong style collars. Shelter and water must be present and always within reach of a tethered dog. If a tethered dog cannot reach its shelter or water due to a tangled or shortened tether or if the tether does not meet the requirements of this section, the owner or keeper of the dog is considered to be in violation.

*Running cable line or "trolley system."* A running cable line (minimum of fifteen (15) feet in length) must be firmly secured to fixed anchor points (i.e. posts, trees or fences) and attached at least four (4) feet but not more than seven (7) feet above ground. The tether shall be attached to the running cable line and must have a swivel at both ends to prevent entanglement and must have a stopper device attached near each end of the running cable line to prevent the cable wire tether from entangling around the anchor points. The running cable line must be of sufficient strength to support the tether cable wire and restrain the dog without breaking. Tethers must be attached to a safe and secure harness or collar. Under no circumstances shall the tether be placed directly around the dog's neck. Tethers are never to be used in conjunction with training collars such as choke or pinch style collars. Only one (1) animal may be tethered to a single running cable line or trolley system. Shelter and water must be present and always within reach of the tethered dog. If the tethered dog cannot reach the shelter or water due to a tangled or shortened tether, or if the running cable line or trolley system does not meet the requirements of this section, the owner or keeper of the dog is considered to be in violation.

(D) Adequate Shelter: No person owning or responsible for any animal shall fail to provide the animal with proper shelter, protection from the weather or humanely clean conditions as prescribed in this section.

*Adequate shelter* means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats provides a solid surface, level resting platform, pad, floor mat, or similar device that is large enough for the dog or cat to lie on in a normal manner and can be maintained in a sanitary manner. Adequate shelters for a dog or cat should consist of (3) walls, a top and a floor. Under this chapter, shelters whose wire, grid, or slat floor (i) permit the animal's feet to pass through the openings, (ii) sag under the animal's weight, or (iii) otherwise do not protect the animal's feet or toes from injury are not adequate shelter. Crawl spaces under building/decks, under or in a vehicle, made from materials easily degraded by the elements, carriers or crates designed

for temporary housing are not defined as adequate shelter. When sunlight is likely to cause heat exhaustion of an animal tied or confined outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.

(E) Adequate Food & Water

*Adequate food:* The provision at suitable intervals, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. Such foodstuff shall be served in a receptacle, dish, or container that is physically clean.

*Adequate water* – Means provision of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and at suitable intervals, to maintain normal hydration for the age, species, condition, size and type of each animal; and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

(F) Properly fitted collars required. An owner of a dog or cat shall not permit injury or inflict pain upon such animal from an improperly fitting or embedded collar.

(G) Any act in which an animal is found to have been treated in a manner inconsistent with this Article as is made unlawful by this section and may be taken up and impounded by the Animal Control Officer. Redemption of such animal may be made by the owner thereof upon compliance with the requirements of § 3-68; provided, however, that the Animal Control Officer may impose such other requirements for redemption as are appropriate to ensure treatment of such animal that complies with this section.

('89 Code, § 3-34) (Am. Ord. passed 11-16-99) Penalty, see § 3-91 *et seq.*



## ARTICLE II: DOGS AND CATS

### Section

#### *Division 1 Generally*

- 3-26 Definitions
- 3-27 Exemptions from article
- 3-28 Acts deemed to be public nuisance
- 3-29 Dog to be kept on owner's premises; exception
- 3-30 Stray dogs and cats
- 3-31 Vicious dogs - restrictions
- 3-32 Vicious dogs - slaying
- 3-33 Notification of owner, Animal Control Officer or Police Department of injured dog
- ~~3-34 Cruel treatment~~
- 3-34 Release of dog or cat by owner to Animal Control Officer
- 3-35 Interference with Animal Control Officer or veterinarian
- 3-36 Control of Dog Feces

#### *Division 2 Licenses*

- 3-46 License exemptions
- 3-47 Imposition of license tax
- 3-48 Application for license
- 3-49 Term of license; licensing year
- 3-50 Due date for license tax; delinquent payment
- 3-51 Collection and administration of license tax; issuance of license
- 3-52 Impoundment of unlicensed dog

#### *Division 3 Impoundment*

- 3-66 Dogs subject to impoundment
- 3-67 Disposition
- 3-68 Redemption
- 3-69 Adoption of unredeemed dog
- 3-70 Disposition of wounded or diseased dog
- 3-71 Priority of state regulations
- 3-72 Disposition of proceeds
- 3-73 Cats subject to impoundment
- 3-74 Disposition
- 3-75 Redemption
- 3-76 Adoption of unredeemed cat
- 3-77 Disposition of wounded or diseased cat

***DIVISION 1 GENERALLY*****§ 3-26 DEFINITIONS.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

***ANIMAL CONTROL OFFICER.*** The animal warden or dog warden, police officers, officers and employees of the animal control shelter and such other agents, employees or designees of the city, by whatever designation referred to, as may be given the authority of enforcement of the provisions of this article by the city.

***ANIMAL CONTROL SHELTER.*** A place provided and operated by the city, whether or not jointly with another governmental unit for the restraint, care and disposition of animals.

***AT LARGE.*** Off the property of its owner and not under restraint.

***DOG.*** Any male or female dog.

***OWNER.*** Any person owning, keeping, having charge of, sheltering, feeding, harboring or taking care of a dog.

***RESTRAINT.*** Controlled by means of a leash; sufficiently near the owner or handler to be under his direct control and obedient to such person's commands; on or within a vehicle being driven or parked; or within a secure enclosure.

***SPAYED FEMALE.*** Any female dog which has been operated upon to prevent conception.

***STRAY DOG.*** Any dog within the city wandering at large or lost without an apparent owner, or any dog within the city whose owner has failed to comply with the requirements of § 3-7.

***VICIOUS DOG.*** Any dog that has made one or more unprovoked attacks on a human by biting or by causing abrasions or cuts of the skin, or any dog who makes repeated attacks on farm stock or pet animals.

('89 Code, § 3-26)(Am. Ord. passed 02-21-12)

**§ 3-27 EXEMPTIONS FROM ARTICLE.**

Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this article, except for § 3-34.

('89 Code, § 3-27)

**§ 3-28 ACTS DEEMED TO BE PUBLIC NUISANCE.**

The following acts committed by dogs are deemed and designated a public nuisance:

(A) Any act that would result in a dog being defined as a vicious dog;

(B) Repeated chasing, snapping at, attacking or barking at pedestrians, bicyclists or other vehicles off of the owners' premises;

(C) Turning over or removing the contents of garbage containers;

(D) Damaging vegetable or flower gardens;

(E) Being at large, in the case of a female dog, during estrus; and

(F) Any other acts that would constitute a public nuisance under the laws of the state.  
(‘89 Code, § 3-28) Penalty, see § 3-91 *et seq.*

**§ 3-29 DOG TO BE KEPT ON OWNER'S PREMISES; EXCEPTION.**

It shall be unlawful for the owner of a dog to permit or allow his dog to leave the owner's premises, unless the dog is at all times in the presence of and under the control of the owner.

(‘89 Code, § 3-29) Penalty, see § 3-91 *et seq.*

**§ 3-30 STRAY DOGS AND CATS.**

(A) It shall be unlawful for any person knowingly and intentionally to harbor, feed or keep in possession by confinement or otherwise any stray dog or cat unless he has, within 24 hours of the same, notified an animal control officer.

(B) It shall be unlawful for any person to refuse to surrender, when duly requested to do so, any stray dog or cat to an animal control officer.

(‘89 Code, § 3-30) (Am. Ord. passed 02-21-12) Penalty, see § 3-91 *et seq.*

**§ 3-31 VICIOUS DOGS - RESTRICTIONS.**

It shall be unlawful for the owner of a vicious dog to keep it within the city unless it is confined within a secure building or enclosure, or unless it is securely muzzled and under restraint by a competent person who by means of a leash, chain or rope, has such dog firmly under control at all times.

(‘89 Code, § 3-31) Penalty, see § 3-91 *et seq.*

**§ 3-32 VICIOUS DOGS - SLAYING.**

In the event any vicious dog is found running at large and cannot by reasonable and diligent attempt be taken up and impounded, such dog may be slain by an animal control officer.  
(’89 Code, § 3-32)

**§ 3-33 NOTIFICATION OF OWNER, ANIMAL CONTROL OFFICER OR POLICE DEPARTMENT OF INJURED DOG.**

It shall be unlawful for any person injuring a dog by running over or into it with an automobile, motorcycle, bicycle or other vehicle to fail to notify immediately the owner of such dog, the Animal Control Officer or the Police Department.  
(’89 Code, § 3-33) Penalty, see § 3-91 *et seq.*

**~~§ 3-34 CRUEL TREATMENT.~~**

~~(A) It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any dog or to cause or procure such action. The words “torture,” “torment,” or “cruelly” shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted, but such shall not be construed to prohibit an animal control officer or veterinarian from destroying dangerous, unwanted or injured animals in a humane manner or from destroying impounded animals as provided in § 3-67 *et seq.*~~

~~(B) It shall be unlawful for any person to keep dogs under unsanitary or inhumane conditions; to fail to provide proper food and water daily, shelter from the weather, reasonably clean quarters and proper medical attention for sick, diseased or injured dogs, as well as adequate inoculation against disease.~~

~~(C) Any dog which is found to have been treated in such manner as is made unlawful by this section may be taken up and impounded by the Animal Control Officer. Redemption of such dog may be made by the owner thereof upon compliance with the requirements of § 3-68; provided, however, that the Animal Control Officer may impose such other requirements for redemption as are appropriate to ensure treatment of such dog that complies with this section.~~

~~(’89 Code, § 3-34) (Am. Ord. passed 11-16-99) Penalty, see § 3-91 *et seq.*~~

**§ 3-36 ~~§ 3-35~~ RELEASE OF DOG OR CAT BY OWNER TO ANIMAL CONTROL OFFICER.**

Any owner may offer to the Animal Control Officer a dog or cat to be disposed of or destroyed in a humane manner by such officer in the officer's discretion. The Animal Control Officer is hereby authorized but not required to receive such dog or cat for such disposition or destruction, provided that such owner must remit to the Animal Control Officer the fee for such disposition as set forth in the schedule of taxes adopted annually by the City Council. Upon such offer, receipt and payment, the owner shall execute a release upon a form to be provided by the Animal Control Officer, which release shall contain, along with such other matters and things as may be included by the Animal Control Officer, a statement as to the intended disposition or destruction of such dog or cat, which statement shall be acknowledged by the owner. (’89 Code, § 3-35) (Am. Ord. passed 09-21-2010)

**§ 3-37 §3-36 INTERFERENCE WITH ANIMAL CONTROL OFFICER OR VETERINARIAN.**

It shall be unlawful for any person to interfere with, hinder or molest an animal control officer or veterinarian in the performance of any duty authorized by this article, or to seek the release of any dog in the custody of an animal control officer except as provided in this article.  
(’89 Code, § 3-36) Penalty, see § 3-91 *et seq.*

**§ 3-38 §3-37 CONTROL OF DOG FECES.**

(A) It shall be unlawful for the owner or custodian of any dog to take said dog off the owner's own property without the means to properly remove and dispose of the dog's feces from any public or private property.

(B) It is the responsibility of a dog's owner or custodian to clean up the dog's feces from any public or private property outside of the dog owner's property. Such property includes, but is not limited to, parks, rights-of-way, paths, and public access areas.

(C) “Means to properly remove and dispose of feces” shall consist of having on or near one's person a device such as a plastic bag, or other suitable plastic or paper container, that can be used to fully clean up and contain dog waste until it can be disposed of in an appropriate container. Such a device must be shown, upon request, to anyone authorized to enforce this chapter. Depositing the feces in any river, body of water or directly into the city’s sanitary or storm sewer systems is prohibited and constitutes a violation of this section.

(D) This provision shall not apply to handicapped persons assisted by trained guide or assistance dogs.

(Ord. passed 11-17-09) Penalty, see § 3-91 *et seq*

APPROVED, ADOPTED AND EFFECTIVE this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Neville Hall, Mayor

Attest:

\_\_\_\_\_  
Sheralene S. Thompson, City Clerk, CMC

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## CITY OF EDEN – MEMORANDUM

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**To:** HONORABLE MAYOR AND CITY COUNCIL

**THRU:** BRAD CORCORAN, CITY MANAGER

**FROM:** ERIN GILLEY, CITY ATTORNEY

**DATE:** APRIL 5, 2018

**SUBJECT:** PROPOSED AMENDMENT TO §10-6.3

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I was requested to provide a proposed amendment to Eden City Code §10-6.3 that would allow the City to cease providing health and dental insurance benefits to any retiree who was hired after April 17, 2018. Our current ordinance requires the City to provide this benefit at differing levels of retiree contribution based upon years of service.

The proposed amendment clarifies and does not change the City's current practice for retirees who have retired in the past and for retirees who were hired on or before April 17, 2018 and will retire in the future. I have added language that states that any employee who was hired after April 17, 2018 will not be qualified for the payment of the premiums and will not be qualified to remain on the City's health and dental insurance.

In addition, I have also revised (former) section 10-6.3 (B) (3) (c). In 2014, Staff recommended that you extend the age for insurance coverage until the retiree began to receive full social security payments. The effect of this would be to allow a retiree to defer Medicare coverage at age 65. Based upon further research, we have discovered that this would not be a preferred option for retirees because the Social Security Administration does penalize (monetarily) for this option. We have had no further request for this benefit; therefore, Staff is recommending that you amend this section back to the way it was prior to 2014. Retirees are eligible for the health and dental benefits until they become eligible for Medicare (65<sup>th</sup> birthday) or social security disability.

Staff recommendation to Council is that you adopt the proposed amendment to this Chapter of the City of Eden Code. I have attached a proposed amendment showing the new language in red. Please consider this ordinance at your April 17, 2018 meeting and do not hesitate to contact me if you have any questions or concerns.

**§ 10-6.3 RETIREE LIFE, HEALTH AND DENTAL INSURANCE.**

(A) *Life Insurance.* At its sole expense, the city will provide group life insurance for its retired employees' with an established death benefit.

(B) *Health And Dental Insurance.*

(1) An employee retiring on or before November 20, 2001, may, by paying 100% of the premium for the coverage, participate in the city's group health and hospitalization program so long as the city's contracts with its insurers permits such participation.

(2) An employee retiring on or after November 21, 2001 but before August 29, 2009 must retire under the North Carolina Local Government Retirement System and draw or currently be eligible to draw benefits from the system in order to qualify for payment of all or part of the health care and dental care insurance premium. Retirement system regulations on eligibility for retirement govern eligibility for the program. The city will pay the premium for the coverage based on the policies established by the Council, subject to change. The following schedule will be in effect until changed for employees retiring within the dates of this subsection:

<u>Years of Service</u>		<u>Individual Premiums</u>	
<u>At least</u>	<u>No more than</u>	<u>City pays</u>	<u>Employee pays</u>
25 years	30 years	75% or up to a maximum of \$ 412.50 per month, whichever is less	25% or the remaining cost, whichever is more
30 years		100% or up to a maximum of \$550 per month, whichever is less	0% or the remaining cost, whichever is more

(23) An employee hired on or before April 17, 2018 and retiring on or after August 29, 2009 must retire under the North Carolina Local Government Retirement System and draw or currently be eligible to draw benefits from the system in order to qualify for payment of all or part of the health care and dental care insurance premium. Retirement system regulations on eligibility for retirement govern eligibility for the program. The city will pay the premium for the coverage based on the policies established by the Council, subject to change. The following schedule will be in effect until changed:

<u>Years of Service</u>		<u>Individual Premiums</u>	
<u>At least</u>	<u>No more than</u>	<u>City pays</u>	<u>Employee pays</u>
20 years	25 years	50% or up to a maximum of \$ 275 per month, whichever is less	50% or the remaining cost, whichever is more
25 years	30 years	75% or up to a maximum of	25% or the remaining cost, whichever is more

	\$ 412.50 per month, whichever is less	
30 years	100% or up to a maximum of \$550 per month, whichever is less	0% or the remaining cost, whichever is more

(4) Any employee hired after April 17, 2018 shall not qualify for payment of all or part of the health care and dental care insurance premium upon retirement and shall not qualify for participation in the City's health and dental insurance policy.

(35) A minimum of 50% of an employees years of service (10.0 years, 12.5 years or 15 years respectively) with the city shall be required in order to receive this benefit. The other 50% of an employees years of service (10.0 years, 12.5 years or 15 years respectively) must be with an agency/organization which is a member of a Statewide Local Government Employee's Retirement System or a Statewide Teacher's and Statewide Employee's Retirement System or other systems under a Department of State Treasurer. Any sick leave converted for time at the end of service for retirement purposes shall count in the computation of time served with the city.

(a) Such employees may elect to purchase health care and/or dental insurance coverage for their eligible dependents and shall pay the full cost of this dependent coverage. Dependent coverage must be in place at least 12 months prior to an employee's retirement date.

(b) Payment of premiums for dependents must be paid in accordance with schedules and procedures established for the city's benefit by the City Manager or designee for the group health and dental plan. Failure to pay the required premium will result in loss of coverage, once coverage has been discontinued, it cannot be reinstated without the written approval of the City Manager.

(c) The city's payment of premiums for group health and dental coverage for retirees will be discontinued and the retiree will come off the City's insurance policy when: the retiree becomes eligible for Medicare (65th birthday) or social security disability. ~~in accordance with City of Eden Policy HR-20 when:~~

- ~~1. The retiree begins to draw social security benefits and becomes eligible for Medicare; or~~
- ~~2. The retiree becomes eligible for 100% of social security benefits; whichever event occurs first between items 1 and 2; or~~
- ~~3. The retiree becomes eligible for social security disability.~~

Any employee not meeting the aforementioned criteria by paying 100% of the premium for coverage will be allowed to remain on the city's insurance policy for 18 months from the date of separation from the organization.

(Ord. passed 5-17-94; Am. Ord. passed 11-20-01; Am. Ord. passed 1-17-02; Am. Ord. passed 6-20-06; Am. Ord. passed 8-29-09; Am. Ord. passed 1-21-14; Am. Ord. passed 2-18-14)



AN ORDINANCE AMENDING  
THE CITY CODE  
OF THE CITY OF EDEN

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BE IT ORDAINED BY THE CITY COUNCIL of the City of Eden, North Carolina, that §10-6.3 of the Eden City Code is amended as follows:

**§ 10-6.3 RETIREE LIFE, HEALTH AND DENTAL INSURANCE.**

(A) *Life Insurance.* At its sole expense, the city will provide group life insurance for its retired employees' with an established death benefit.

(B) *Health And Dental Insurance.*

(1) An employee retiring on or before November 20, 2001, may, by paying 100% of the premium for the coverage, participate in the city's group health and hospitalization program so long as the city's contracts with its insurers permits such participation.

(2) An employee retiring on or after November 21, 2001 but before August 29, 2009 must retire under the North Carolina Local Government Retirement System and draw or currently be eligible to draw benefits from the system in order to qualify for payment of all or part of the health care and dental care insurance premium. Retirement system regulations on eligibility for retirement govern eligibility for the program. The city will pay the premium for the coverage based on the policies established by the Council, subject to change. The following schedule will be in effect until changed for employees retiring within the dates of this subsection:

<u>Years of Service</u>		<u>Individual Premiums</u>	
<u>At least</u>	<u>No more than</u>	<u>City pays</u>	<u>Employee pays</u>
25 years	30 years	75% or up to a maximum of \$ 412.50 per month, whichever is less	25% or the remaining cost, whichever is more
30 years		100% or up to a maximum of \$550 per month, whichever is less	0% or the remaining cost, whichever is more

(3) An employee hired on or before April 17, 2018 and retiring on or after August 29, 2009 must retire under the North Carolina Local Government Retirement System and draw or currently be eligible to draw benefits from the system in order to qualify for payment of all or part of the health care and dental care insurance premium. Retirement system regulations on eligibility for retirement govern eligibility for the program. The city will pay the premium for the coverage based on the policies established by the Council, subject to change. The following schedule will be in effect until changed:

<u>Years of Service</u>		<u>Individual Premiums</u>	
<u>At least</u>	<u>No more than</u>	<u>City pays</u>	<u>Employee pays</u>
20 years	25 years	50% or up to a maximum of \$ 275 per month, whichever is less	50% or the remaining cost, whichever is more
25 years	30 years	75% or up to a maximum of \$ 412.50 per month, whichever is less	25% or the remaining cost, whichever is more
30 years		100% or up to a maximum of \$550 per month, whichever is less	0% or the remaining cost, whichever is more

(4) Any employee hired after April 17, 2018 shall not qualify for payment of all or part of the health care and dental care insurance premium upon retirement and shall not qualify for participation in the City's health and dental insurance policy.

(5) A minimum of 50% of an employees years of service (10.0 years, 12.5 years or 15 years respectively) with the city shall be required in order to receive this benefit. The other 50% of an employees years of service (10.0 years, 12.5 years or 15 years respectively) must be with an agency/organization which is a member of a Statewide Local Government Employee's Retirement System or a Statewide Teacher's and Statewide Employee's Retirement System or other systems under a Department of State Treasurer. Any sick leave converted for time at the end of service for retirement purposes shall count in the computation of time served with the city.

(a) Such employees may elect to purchase health care and/or dental insurance coverage for their eligible dependents and shall pay the full cost of this dependent coverage. Dependent coverage must be in place at least 12 months prior to an employee's retirement date.

(b) Payment of premiums for dependents must be paid in accordance with schedules and procedures established for the city's benefit by the City Manager or designee for the group health and dental plan. Failure to pay the required premium will result in loss of coverage, once coverage has been discontinued, it cannot be reinstated without the written approval of the City Manager.

(c) The city's payment of premiums for group health and dental coverage for retirees will be discontinued and the retiree will come off the City's insurance policy when: the retiree becomes eligible for Medicare (65th birthday) or social security disability.

Any employee not meeting the aforementioned criteria by paying 100% of the premium for coverage will be allowed to remain on the city's insurance policy for 18 months from the date of separation from the organization.

(Ord. passed 5-17-94; Am. Ord. passed 11-20-01; Am. Ord. passed 1-17-02; Am. Ord. passed 6-20-06; Am. Ord. passed 8-29-09; Am. Ord. passed 1-21-14; Am. Ord. passed 2-18-14)

APPROVED, ADOPTED AND EFFECTIVE this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Neville Hall, Mayor

Attest:

\_\_\_\_\_  
Sheralene S. Thompson, City Clerk, CMC



**Municipal Services  
Department**  
1050 KLYCE STREET, EDEN, NC 27288  
336-627-7783

# Memo

**To:** Honorable Mayor and City Council  
**Thru:** Brad Corcoran, City Manager  
**From:** Paul Dishmon, Director, Municipal Services and Erin Gilley, City Attorney  
**Date:** April 10, 2018  
**Subject:** Purchase of Solid Waste Compactor

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As Council is aware, our solid waste compactor suffered failure last July and is still in need of replacement. The compactor unit that was approved for purchase proved to be inadequate for installation at our Transfer Station and had to be sent back to the manufacturer. New specifications were produced for a new compactor based on viewing compactor units of other cities that would meet our needs. Bid solicitations were made in March for a compactor and installation based on our new specifications.

The bid letter and specifications were sent to five vendors, and only one vendor responded. The other four vendors were Compactors Inc., Hilton Head SC, Wastequip, Charlotte NC and SP Industries Hopkins MI, and Mid Atlantic Waste Easton MD.

Staff received one bid, and that was from Bakers Waste Equipment, Inc. for the Pinnacle Stationary Compactor. This bid meets the City's specifications. The total cost of the bid compactor unit installed is \$171,759.69. Staff recommends that you purchase the ten cubic yard Miscellaneous Pinnacle Stationary Compactor unit.

The Solid Waste Division is now running three garbage trucks that have to make a 26 mile round trip to the landfill daily. This has increased the fuel usage, wear and tear and some delay in garbage pickup. (We normally only run two garbage trucks).

It is the staff's recommendation that Council authorize the purchase of this Compactor unit. Because of the fabrication time and installation of this equipment, if Council approves this

purchase on April 17<sup>th</sup>, the lead time to build and install this equipment would be ten weeks. As pointed out in the paragraph above, the sooner this can be approved for purchase and installation, the sooner we can begin to avoid wear and tear on the garbage trucks and we can help extend the longevity of our investment in these trucks.