

CITY OF EDEN, N.C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, August 17, 2021 at 6 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meeting were as follows:

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

MEETING CONVENED:

Mayor Hall called the regular meeting of the Eden City Council to order and welcomed those in attendance. Pastor Joe Seay of Spray Baptist Church gave an invocation followed by the Pledge of Allegiance led by Fire Chief Todd Harden.

PROCLAMATIONS AND RECOGNITIONS:

- a. Presentation to Hospice by Eden Professional Firefighters Association Local 2723

Mayor Hall asked members of the association to come forward.

Member Joe Powell stated the association had originally planned to do something for the administrative staff of the City but COVID-19 had delayed their efforts. They had decided to present a check in the amount of \$500 to Hospice of Rockingham County.

Mayor Hall thanked the group, noting they did a lot of good work, including fundraisers and charitable donations. He said the City appreciated everything they did.

SET MEETING AGENDA:

Mayor Hall requested to remove item 7(c) "Consideration of a zoning map amendment request and adoption of an ordinance to rezone property at 1128 and 1130 Friendly Road from Residential-Agricultural to Heavy Industrial" from the agenda and add item 10(d) "Approval of memorandum of agreement between the State of North Carolina and local governments on proceedings relating to the settlement of opioid litigation" to the agenda. A motion was made by Council Member Carter to set the meeting agenda as amended. Council Member Hampton seconded the motion. All members voted in favor. The motion carried, 7-0.

PUBLIC HEARINGS:

- a. (1) Consideration of a zoning map amendment request and adoption of an ordinance to rezone property on Sanderlyn Court and Peppermill Trail identified by the Rockingham County Tax Dept. as PIN 7978-0068-0616, PIN 7978-0058-8513, PIN 7978-0058-8770, PIN 7978-0058-9561 and PIN 7978-0068-8552 from Residential 12 to Residential Mixed Use.

- (2) Consideration of a resolution adopting a statement of consistency regarding the proposed map amendment to rezone property on Sanderlyn Court and Peppermill Trail as stated in a(1).

Mayor Hall declared the public hearing open and called on Director of Planning and Community Development Kelly Stultz.

Ms. Stultz said the request concerned a zoning case involving a piece of property at the corner of Harrington Highway and Highway 87. Before the City's extraterritorial district extended that far, Rockingham County approved the initial phase of the development that already existed. During the course of the City's UDO adoption, the property was currently zoned as R12. Kenan Wright came in to speak with her along with his attorney and they had interest in making the property Residential Mixed Use (RMX). The property provided the perfect opportunity for RMX in that it would be allowed to have different housing types on the property. There were no plans for redevelopment at the present time but RMX would be a continuation of what had already been developed on the site. Therefore, staff and the Planning Board recommended in favor of the request.

Seth Woodall, of 202 River Ridge Road, said he was the attorney for Mr. Wright who was a representative of Casteen Developers and The Wright Company, the owners of the four parcels. In 2006, Mitchell Wilson owned the property and the County approved the property for the development of the exiting property on Sanderlyn Court, which had townhomes. When the extraterritorial district of the City was expanded, the City absorbed the property. As a result, the zoning was changed to R12, which would not allow the type of development that was currently there. The request being made before Council was to respectfully approve the rezoning request for RMX so that if continuation of the development occurred, the townhomes could be built. There was nothing in plan for the acreage currently there but they wanted to put the zoning back so there would be a conforming use established in order to potentially build townhomes in the future.

Andy Boone, of 11547 N.C. Hwy. 87 South, said he owned a 26.5-acre parcel and shared approximately 2,000 feet of property boundaries with one of the parcels in question. He was informed a few days prior, courtesy of the realtor he purchased the home from, of the rezoning request. His concern was with RMX and the allowability to place up to a 50,000-square-foot commercial building on the property. Because his primary residence was next door, he asked the Council to decline changing the current zoning or to possibly consider Residential 12 zoning, which allowed townhomes to conform with the existing properties. With there being no plan in place, he was uncomfortable with not knowing what could be built on the properties. He recently moved to Eden from Cary, N.C., in order to be in the country and to have a small farm with animals. Therefore, the rezoning request was a concern for him.

Council Member Hunnicutt asked Mr. Boone if he was stating that RMX would allow commercial construction.

Mr. Boone said according to what he found on the City's website pertaining to land uses for RMX, it listed bicycle sales and repair, general commercial of 50,000 square feet and under, medical clinics, personal service, professional office service, open air retail, outside sales, restaurant, dance studios and public safety stations, all of which were the majority of his concerns. When he compared R12 to RMX, there seemed to be a significant increase in what was allowed. R6 seemed to be a good alternative that allowed for townhomes but did not allow for the services he previously cited.

Ms. Stultz said the reason there were three RMX districts in the City's old land use regulations and why staff and the Planning Board advocate for RMX districts was so that lots could be developed and provide minor uses that would support the residential development that was already in existence. She stated that Mr. Boone was correct about what he read regarding land uses for RMX; however, a lot of those allowed services would have standards that went along with them. It was a very large tract of land and it did front on Harrington Highway as well as where the initial development started. She had not seen any plans and she felt that RMX was what the owners planned to do; therefore, she felt it was a good zoning district for that area.

Mr. Boone said the larger parcel that was just over 31 acres was not fronting Harrington Highway or Highway 87. There was one outlet from the property. Cheryl Barbour owned the 14 acres on Harrington Highway and he owned the 26 acres on the other side of it. The three smaller parcels were in front.

Ms. Stultz said that when the ETJ expanded, the City was required to honor the things that had been proposed. The style of development that was already there was townhome development and there were some existing parcels that were set and previously approved for the same type of townhome development. The City did require in the new ordinance, that once it was subdivided and new lots were put in, there would have to be multiple accesses, as well as some other things that were not in the City's former ordinance, in order to control traffic and the impact to the area.

Council Member Hunnicutt asked Ms. Stultz if the commercial uses mentioned were in support of the development. He questioned if the developer would be allowed to do such things and do them alone.

Ms. Stultz answered yes.

Council Member Hunnicutt gave the proposition of the northwest parcel becoming a convenient store and questioned if the only access to it would be down the driveway through the development.

Ms. Stultz said that was the only access as of present that had been dedicated to the public.

Council Member Hunnicutt said the rest of it appeared to be right-of-way. He was not opposed to the intent but he was trying to find a resolution to the concern of the nearby property owners considering the developer could build a convenient store. He questioned if that was a fair representation.

Ms. Stultz said she could not imagine that type of business would be established at that long of a distance from the street unless a public road or some other type of development were to be located within those acres due to the diminished visibility and accessibility. However, if there were concerns, the developer could apply for a conditional use zoning permit even though the City had never received such an application or issued one, but that would come at the time the developers were ready to redevelop. She believed that Mr. Wright was concerned with knowing that the developer could proceed with the same style of development currently there when ready to do so. She offered to meet with Mr. Wright again to investigate a different proposal but she still supported RMX it.

Cheryl Barbour, owner of the property on the other side of the four parcels, said she sold Mr. Boone the property that bordered the other side. She initially fought the zoning with the County Commissioners because she was worried about traffic having only one way in and one way out of the property. The issue had never been resolved in the area and she felt it was a hazard. While she did not live there anymore, it was a quality of life issue for those she knew that did live there. The developers had the possibility of putting in a multitude of businesses with only one entrance and one exit. There did not seem to be an option on the table to resolve it. She felt it was too dense for the area in the beginning with no resolve for the situation. She was against it.

Ms. Stultz said the issues that Ms. Barbour and Mr. Boone had would be decided at the time that a subdivision plat were to be presented, which would address accesses and sidewalks.

Mayor Hall said he did not believe the City could force the developer to provide a development plan.

Mr. Woodall said there were no intentions at the present time to develop anything commercial. The plan was to potentially move forward with the overall development of the townhomes, which was what the property was originally purchased and planned for. Because of the newly adopted UDO, the developers were requesting to obtain what they previously had in the former zoning; otherwise, it would change the entire character of what their original investment was.

Mr. Boone asked if R6 would be an option for the developer if they were looking to only complete the townhomes.

Ms. Stultz said she did not know how appropriate it was to be discussing negotiating points for Mr. Wright since they were not the property owners. Zoning district R6 could have been chosen but it allowed much more dense development than RMX. If the Council wished for her to look into the matter again, she would but she felt that was something that Council would need to ask Mr. Woodall on behalf of Mr. Wright.

Council Member Nooe said traffic study information could be obtained from North Carolina Department of Transportation (NCDOT) on the area. Some of the safety issues concerning the increased traffic and the entrance and exit of the property could be addressed with traffic counts.

Ms. Stultz agreed and said if pressed, the City could be forced to allow what the County previously approved for the entire site due to the fact that the first phase was developed without having any real input into what was there. The old approval had to stand when the City took the property for the ETJ and when the UDO was adopted. In her opinion, Ms. Stultz felt it was an opportunity for the City to have more influence as it moved on.

Council Member Nooe said he was hearing from one side that all they wanted to do was have the right to build townhomes. He asked Ms. Stultz if all parties would be satisfied if the owners were willing to request a conditional use zoning permit.

Ms. Stultz said it might satisfy all parties but that would require her to ask the developers to complete a site plan. The point of conditional use zoning was to allow people to do things they normally could not do, which was a tool the City previously never had but added it was time the tool be used. In the current situation and due to prior circumstances and what the City would have to deal with either way, Mr. Wright and the Planning Board saw the rezoning as an insurance policy that the City was going to continue to honor the commitment previously made by the County several years ago.

Council Member Moore asked if anything would change the present situation due to the County Commissioners introducing their UDO during one of their August meetings.

Ms. Stultz said no. The City was bound by what was in place at the time the County approved the rezoning before it was in the City's ETJ. The City had Planned Unit Developments (PUD) that were approved, such as The Meadows on Meadow Road. In the City's zoning map, it stated the property was conditional zoning because the City was legally and honor-bound to stay committed to the things that were already approved. The County changing their ordinance would not impact the City at the present time.

Council Member Carter asked if R6 had more residential use.

Mayor Hall said it allowed more residential use and less commercial.

Ms. Stultz said it could cause further issues when a lot of dense residential development occurred far away from commercial development. If the property owners wanted water and sewer, the City would have to discuss annexation at some point, which the owners were aware of.

Mayor Hall said the statement of no current plans for the parcels was intended to make the nearby property owners feel more at ease. However, he imagined that if the property owners knew what was planned, it would make them much more comfortable but that would be between the developers and Ms. Stultz if they decided to present a site plan.

Council Member Hunnicutt asked what level of site plan would be needed.

Ms. Stultz said streets, design, connection to utilities and identification of all other uses would be needed if they were to proceed with conditional use zoning. If the property owners wanted to request R6, they would

still be in the same position they were currently in with questions being asked in regards to what they wanted to do with the properties. There were commercial prospects that could be established in the area to help serve the development but the area could still be developed just as densely.

Mayor Hall stated that if it were to be brought back as a zoning request for R6 and there were any questions as far as what the developers would be allowed to do, the answer would be much simpler in that it would be denser residential.

Council Member Nooe asked what might happen if the City were to allow townhomes in the R12 zoning district. He asked Ms. Stultz if the option could possibly be researched as to the issues it could create with the findings being presented to Council.

Ms. Stultz said she could see the possibility of there being some single family attached and some single family detached, depending on the style of development at that time.

Council Member Nooe said he would have to look at the overall zoning map to determine if that was a good idea in other areas of town.

Ms. Stultz said she would be glad to look into it if Council desired.

Council Member Hunnicutt asked Mr. Woodall if he or Mr. Wright had any ideas of how to resolve the situation. He was concerned with what would happen if Council approved RMX and the developers decided they did not want to proceed and the property were to be sold. If that were to happen, the Council would then have to deal with the issue of the next developer possibly not having the same plans of townhomes. He stated he was looking at the situation from a long-term perspective.

Mr. Woodall said there were no current plans in place. The developers wanted to get the zoning back to where it originally was. The UDO and ETJ had taken the property out of what its original zoning. He was unsure as to how to convince Council that the developers would not build something commercial as that was not their intent. He also did not feel it would be fair to the developers to incur the expense of a site plan in order to return to the original zoning. The zoning request was not for something totally different than what it previously was, nor was it changing the character and nature of what it was to begin with when it was originally zoned by the County. The owners were simply trying to get back to the original zoning.

Council Member Carter asked if the Planning Board voted in favor of the zoning request.

Mayor Hall answered yes.

Debbie Hopper of 110-C Sanderlyn Court asked if the parcels were located below the current townhomes that had not yet been developed.

Mayor Hall said yes. It was the property that one would drive straight into from the entrance of the development.

Ms. Hopper said change was hard but the unknown was worse. The current property owners were alarmed when they saw the residential sign go up in their area because they had not been told anything and did not know what it meant. They questioned if there were going to be more condos because that was their biggest concern; would it be a neighborhood and would it look the same as the current units on both sides of the street. Only having one entrance was a concern due to an increase in traffic. The biggest concern with all eight property owners was the possibility of commercial property as they did not want to see that happen. She understood that a site plan could not be done, but the current property owners were the ones living there and having to live with the unknown until a site plan was completed. Not knowing what could be located on those parcels was a big concern for the property owners. Due to the unknown, the property owners did not know if they were in favor of or against the rezoning request. If the property owners were considering RMX, which would permit any commercial or residential, then the property owners would be opposed to

the request. She also felt the property owners should have the right to know what was going to be developed on those parcels instead of having to be in limbo for the next several years.

Council Member Hunnicutt said he knew she did not like to do split zoning, but asked Ms. Stultz if it would possible for the smaller parcels contiguous to the existing development to be limited to residential and then the remainder be classified as RMX.

Ms. Stultz said the entire parcel was originally approved to have townhomes on it. Anything to that matter would require a discussion with Mr. Wright and Mr. Woodall. Staff could investigate what would be required to allow the developers to continue what they planned to do in R12 but at some point, they could come back with a site plan and application to apply for conditional use zoning. The single family attached type dwelling already in existence in that area was different from the rural residential that was around it, but it had been successful and had not caused any issues thus far. If the Council wished to investigate the zoning request further, her personal preference was to make sure the developers could do what they wanted to do in R12 because it was very difficult when adjoining property owners wanted to stop another property owner from using his or her property for things they could do. One could not stop another person's property from being developed except in Open Space and Conservation districts. The City was faced with a similar situation when First Presbyterian Church was constructed. In the R12 zoning district, the developers had the right to build houses.

Council Member Nooe asked if the developers had the ability to build the same type of townhomes that were currently there if the Council were to do nothing.

Ms. Stultz said yes, based on what the County allowed. The problem from the City's standpoint was that it would have less influence over how it was arranged and developed. However, if the City approved a rezoning, it would have such an influence.

Council Member Nooe asked if the developers would just proceed with their development under the County's former rules.

Ms. Stultz answered yes and added that it would be under what the County had at the time of the zoning.

Mr. Woodall said the developer was faced with the issue that the current R12 zoning's size restriction of the lots would be smaller than the townhomes that were currently there. Therefore, that was one of the main reasons for making the application request for RMX.

Mayor Hall said it did not appear that Council was under a timetable since the developers were not ready to break ground according to what had been said and therefore, maybe reviewing other options would be beneficial. It seemed he was hearing more questions than answers.

Mayor Hall declared the public hearing closed.

Council Member Moore made a motion for the Planning and Community Development Department to reevaluate the request and obtain answers to the questions asked during the public hearing. Council Member Ellis seconded the motion. All members voted in favor. The motion carried, 7-0.

- b. (1) Consideration of a zoning map amendment request and adoption of an ordinance to rezone the property located at 312 Bridge Street from Business General to Residential 12.
- (2) Consideration of a resolution adopting a statement of consistency regarding the proposed map amendment to rezone the property located at 312 Bridge St. as stated in b(1).

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

Ms. Stultz said the property was zoned Business General (BG) in the City's former ordinance in the mixed use neighborhood area. It was recommended to be neighborhood mix in the UDO effective January 1 and was rezoned to BG in July. The property owners made a request to have the zoning changed to R12 since there was no longer any neighborhood mix (NMX) near the property. The property backed up to zoning district R12. Ms. Stultz believed the property would continue to be used as a residence and not any type of commercial property. Therefore, Ms. Stultz and the Planning Board recommended the property be rezoned to R12.

Mayor Hall said when the UDO was adopted, Council said issues would arise that could easily be resolved such as the present one where it was a house and would likely always be a house.

Property owner Matt Smith said he had been a resident of the City since 2004. It had been a pleasant time for him in most aspects with growing older and working in the community. He did not have many concerns for zoning until the UDO process was started and he began receiving notices concerning such. His property was located directly across from the Eden Recreation Center on Bridge Street and was rezoned as BG. Having a recreation center in the community meant it was a place where families needed to be; therefore, it was a place where residences needed to be instead of businesses. He saw the opportunity to make that statement with his own property and hoped it would contribute to making the area a better neighborhood. He felt it would also be better for the value of his property to be in residential zoning rather than BG. He thanked the Planning and Community Development Department for agreeing with his request.

Mayor Hall declared the public hearing closed.

Council Member Epps made a motion to approve a zoning map amendment and adoption of an ordinance to rezone the property located at 312 Bridge Street from Business General to Residential 12 along with a statement of consistency. Council Member Hampton seconded the motion. All members voted in favor. The motion carried, 7-0.

#### AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF EDEN

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

Section 1 - Change from Business General to Residential-12 the following properties:

COMMENCING at a nail in paving, said nail marking the Northeast intersection of Bridge Street by Early Avenue; thence and with the Eastern edge of Bridge Street North 28 deg. 43' West 292 feet to an iron pipe, said iron pipe being the Northwest corner of Lot G, and the point of BEGINNING; thence and along the Northern line of Lot G North 51 deg. 17 min. East 164.72 feet to a found iron, said found iron being the Southwest corner of the Josiah Robertson lot; thence and with the rear line of the Josiah Robertson lot North 38 deg. 43 min. West 52 feet to an iron pipe set in the rear line of the Josiah Robertson lot; thence South 51 deg. 17 min. West 164.72 feet with the Southern line of Lot I to an iron pipe set in the Eastern edge of Bridge Street; thence and along the Eastern edge of Bridge Street South 38 deg. 43 min. East 52 feet to an iron pipe, the point of BEGINNING, and containing 8,565 square feet, more or less, the same being all of Lot H as per Map #2 of the Subdivision of the property of the Leaksville Woolen Mills, Inc. as made by W. T. Combs, C. E. October 11-20, 1948, and recorded in the Register of Deeds office for Rockingham County, North Carolina in Map Book 6, Page 94.

The above described property being commonly known as 312 Bridge Street and identified by the Rockingham County Tax Dept. as 7070-18-31-7376 and Parcel No. 107191.

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 August, 2021.

CITY OF EDEN

BY: Neville A. Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

A RESOLUTION ADOPTING A STATEMENT OF CONSISTENCY REGARDING  
A PROPOSED AMENDMENT TO THE CITY OF EDEN UNIFIED DEVELOPMENT ORDINANCE  
CASE NUMBER Z-21-14 MAP AMENDMENT

WHEREAS, pursuant to North Carolina General Statutes Chapter 160D-605, 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 located at 312 Bridge Street from Business General to Residential 12.

WHEREAS, On July 27, 2021, the City of Eden Planning Board voted to recommend to the Eden City Council that the rezoning request be approved.

STATEMENT OF NEED:

The subject parcel is located on Bridge Street, which has a mix of commercial and residential uses. The property was originally zoned BG. This area was rezoned to NMX (Neighborhood Mixed Use) as part of the UDO updates which were effective on January 1, 2021. Due to concerns from former BG property owners, most of the former BG properties were rezoned back to BG in July of 2021. The owner of the subject property wishes to rezone the property to R12 due to the current residential use of the property and the neighboring residential uses. The subject property adjoins an existing R12 residential neighborhood to the east, and therefore staff is of the opinion that R12 would be an appropriate zoning for this property.

STATEMENT OF CONSISTENCY:

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

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

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

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

1. The Eden City Council finds that the proposed amendment to the City of Eden Unified Development 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 Unified Development Ordinance is reasonable and in the public's, best interest.

Approved and adopted and effective this 17th day of August, 2021.  
CITY OF EDEN



BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

- c. (1) Consideration of a zoning map amendment request and adoption of an ordinance to rezone property at 1128 and 1130 Friendly Road from Residential-Agricultural to Heavy Industrial.
- (2) Consideration of a resolution adopting a statement of consistency regarding the proposed map amendment to rezone the property located at 1128 and 1130 Friendly Road as stated in c(1).

*Item was removed from the agenda.*

REQUESTS AND PETITIONS OF CITIZENS:

Mayor Hall asked City Attorney Erin Gilley to read the City's policy regarding public comments.

Frank Reid said he previously complained that the microphones were not being used by some of Council. If they were not going to be used, he felt they should be sold and the revenue put back into the City's account. The public comes to the meetings and was entitled to hear what was being said by Council. While he had not had an issue hearing Mayor Hall speak, he did have an issue with several other members not speaking into their microphones. Some of the members were doing better at the present meeting.

UNFINISHED BUSINESS:

*There was none at this time.*

NEW BUSINESS:

- a. Consideration to ask the City Clerk to investigate the sufficiency of an annexation petition for property located at 7845 NC 770.

Mayor Hall called on Ms. Stultz.

Ms. Stultz said the property of 7845 N.C. 770 was near the Eden Drive-In and was located between the former restaurant and the Robertson house. The septic system for the four businesses at the location was failing miserably. City staff was called in to discuss finding a way to keep the businesses operating and connected to sewer. In order to connect to the City's sewer, the property owner must agree to petition to be annexed, which they did. Based upon that, Ms. Stultz said she requested the Council ask the City Clerk to investigate the sufficiency of the petition.

Council Member Epps made a motion to request the City Clerk to investigate the sufficiency of the annexation petition for property located at 7845 N.C. 770. Council Member Nooe seconded the motion. All members voted in favor. The motion carried, 7-0.

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

WHEREAS, a Petition requesting annexation of an area described in said Petition was received on July 29, 2021, 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:

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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 August, 2021.

CITY OF EDEN

BY: Neville A. Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

- b. Consideration to adopt a resolution to ask NCDOT to study the feasibility of a roundabout at the intersection of Washington Street, Boone Road and Bridge Street.

Mayor Hall called on Ms. Stultz.

Ms. Stultz said Interim Community and Economic Development Manager Randy Hunt had been meeting with Leaksville merchants, the Eden Downtown Development Corporation and some others about ways to move traffic in a better manner in the Uptown Eden area. Those groups recommended asking Council to consider requesting NCDOT to look into the possibility of a roundabout at the intersection of Washington Street, Boone Road and Bridge Street or some other traffic control measures to improve traffic flow.

Council Member Hampton made a motion to adopt a resolution to ask NCDOT to study the feasibility of a roundabout or some other traffic control measure at the intersection of Washington Street, Boone Road and Bridge Street. Council Member Nooe seconded the motion. All members voted in favor. The motion carried, 7-0.

Resolution of support for a roundabout to replace the  
Bridge Street, Boone Road and Washington Street intersection

WHEREAS, Eden's historic downtown area, founded in 1797, has undergone an unprecedented revitalization from 2019-2021; and

WHEREAS, this downtown area has added nine new businesses and 40 new residents since 2020; and

WHEREAS, Washington Street continues to be a major thoroughfare, connecting western Eden residents to the central area of the City, and more than 11,000 vehicles traverse the Bridge Street, Boone Road and Washington Street intersection daily; and

WHEREAS, it is of utmost importance to move traffic efficiently and safely in this important section of the Eden community; and

WHEREAS, Eden residents have navigated two existing roundabouts for decades and are familiar with their traffic patterns; and

WHEREAS, the proposed roundabout will enable traffic to move more fluidly at this intersection and not include the cost of additional signalization;

NOW, THEREFORE, BE IT RESOLVED, that the Eden City Council does hereby endorse this resolution in support of the proposed roundabout for the benefit of Eden motorists, and to encourage additional downtown revitalization

This the 17th day of August, 2021

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

- c. Consideration for approval of the final phase of the Berry Hill waterline including the financing thereof.

Mayor Hall called on Special Project Manager Terry Shelton.

Mr. Shelton said in the fall of 2020, the City completed Phase I of the Berry Hill Mega Park waterline and at the City's direction, Public Utilities approached North Carolina Department of Environmental Quality (NCDEQ) about the possibility of expanding the project into a Phase II construction project since there was considerable funding available from the original award. The original appropriated amount from the funding agency for the project was \$7 million, of which \$4.2 million was in grant funding. Phase I ran from the state lines to the city limits and Phase II was to extend from the city limits to Edgewood Road where it could access the Freedom Park tank and be on the main line going from the water plant to the area that used to service the former MillerCoors property. During the present budget year, the City would be paying off debt service for projects that were completed up to 20 years ago, which freed up \$1,141,300. It also earmarked \$750,000 to pay back the EPA Remediation Plan that was financed with ConnectNC bond money, of which \$33 million had been committed to at the original time it was awarded. Of that, \$16,666,000 was issued as principal forgiveness and the other \$15 million was given out as zero interest loans. Of that \$15 million, the City was committing to pay back \$750,000 when the debt service was retired from what the City was currently paying. In addition, the City was looking at committing \$200,000 to complete Phase I of the Berry Hill waterline going to the Mega Park, but would also continue to Phase II. Presently, staff believed the Phase II work for the waterline to the state line could be completed in its entirety with a final debt service amount of \$185,376. Completing Phase II would give ample water to supply the Mega Park when it started to develop. It would also give some backbone towards the east end of town in order to reinforce some of the older trunk lines and water quality. If Council committed to the full project cost of \$185,376 to complete Phase II, the remaining debt service that would become available with the retiring of the current annual debt service payments would be \$205,924. Presently, the City had accepted loans from Additional Supplemental Appropriations for Disaster Relief Act (ASADRA) and the state revolving fund (SRF) that it applied for in 2020 with the debt service being \$7,158,982 in loans, in which they carried a tenth of a percent in interest. The debt service on those two projects would be bid out at the end of the year, which was a continuation of the EPA Remediation Plan. Due to the increase in prices, the City did not have enough funding available to complete that project with ConnectNC bond money. The loans would require approximately \$361,529 annually for 20 years. The available debt service would leave the City with a \$155,605 shortfall of fully covering the loan payments with existing debt service. In the spring round of funding, the City qualified for 50 percent principal forgiveness for the ASADRA and SRF loans, but there was not enough principal forgiveness money to meet all of the needs; therefore, the City did not receive any. It was the intent of the City to reapply in the fall for principal forgiveness on the projects for which it had already been awarded low interest loans. Any principal forgiveness money awarded would greatly reduce the \$155,605 shortfall in the debt service funding available. Mr. Shelton asked for Council to approve proceeding with the plan discussed.

Council Member Epps asked if the old lines being replaced would be left in or completely replaced.

Mr. Shelton said the City would be tying into the old lines to give flow in both directions as opposed to lines that only ran in one direction and terminated. Whenever lines could be looped, it provided better water quality because there was flow in both directions at various times.

Council Member Moore asked how old the lines were.

Mr. Shelton said some of them were in excess of 50 to 60 years old.

Council Member Hunnicutt said in the information provided by Mr. Shelton, it showed debt service being traded in. He asked what the capital amount of the project was in terms of how much it would cost to complete Phase II.

Mr. Shelton said \$2.5 million.

Council Member Hunnicutt asked if approval of the request would complete the City's obligation to the Mega Park in terms of the infrastructure and meeting total capacity pursuant to the original agreement, which was five million gallons a day (MGD).

Mr. Shelton said yes. He said they were firm to 5 MGD but it could possibly be around 5.5 MGD capacity through the waterline.

Council Member Hunnicutt made a motion to approve the final phase of the Berry Hill waterline including the financing thereof. Council Member Nooe seconded the motion. All members voted in favor. The motion carried, 7-0.

- d. Approval of Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceedings Relating to the Settlement of Opioid Litigation.

Mayor Hall called on Ms. Gilley.

Ms. Gilley said she received a request from the County's attorney to add the memorandum approval to the agenda. The County, along with most other counties in the state, had been involved in a national litigation against several pharmaceutical companies for opioid drug abuse. The N.C. Association of County Commissioners and the N.C. Department of Justice requested that the County approve a memorandum of agreement, which was for the equitable distribution of any proceeds that may result from the national settlement, in which it was anticipated to occur soon. The County approved the memorandum and was asking for municipalities with a population over 10,000 within the County - Eden and Reidsville - to also endorse the memorandum of agreement in order to maximize the state share in the settlement of funds, as well as the County share in the settlement of funds. There was a potential benefit for the City in that it could share in some of the funds through the County. The agreement went into how the funds would be distributed among the counties in the state and nation. Following the County's approval of the memorandum, they were seeking approval from Eden and Reidsville to endorse it as well.

Council Member Hunnicutt made a motion to approve the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceedings Relating to the Settlement of Opioid Litigation. Council Member Carter seconded the motion. All members voted in favor of the motion. The motion carried, 7-0.

#### REPORTS FROM STAFF:

- a. City Manager's Report

Mayor Hall called on Mr. Mendenhall.

Mr. Mendenhall said he was pleased to report that all operations were continuing. He welcomed any questions related to the August City Manager's report.

Mayor Hall pointed out the first item on the City Manager's Report, the retirement of Economic Developer Mike Dougherty effective August 31. At a later date, Council and staff would have the opportunity to express their gratitude to Mr. Dougherty. He was currently on vacation. He asked everyone to read the excerpt about Mr. Dougherty. He stated that he had extra copies of the report available for anyone wishing to have one and added that it was printed in Eden's Own Journal as well.

City Manager's Report  
August 2021  
City Manager Jon Mendenhall

## ECONOMIC DEVELOPMENT

Effective August 31, Director of Economic Development Mike Dougherty will retire. Mr. Dougherty shared some of his final thoughts regarding the City:

“It took many years to transition Eden from a textile community to one that has a more diverse industrial base, and one offering natural resources and amenities. Starting in the fall of 2019, with the Gildan Yarns announcement, and continuing into pandemic-plagued 2020, Eden saw Nestle Purina, Night Owl National Contractors, Acrow Bridges and the Eden Venture Business Park open within its vicinity. Eden’s success was mirrored in the county as Rockingham County Economic Development Director Leigh Cockram won the North Carolina Economic Development Association (NCEDA) Economic Developer of the Year award. The prevailing negative image of Rockingham County has been changed to an extremely positive one, full of opportunity and promise.

New residents are locating to Eden from across the country. In 2020, nine new businesses started in Uptown Eden, and both The Boulevard and Downtown Draper have attracted new property owners who will transform buildings to accommodate thriving businesses.

Many thanks go to Community and Economic Development Manager Randy Hunt for his excellent work in Eden’s traditional downtown areas and to Marketing and Special Events Manager Cindy Adams who has taken our events and others to a very high level that attract thousands of attendees to our community. Eden residents should rest assured that they will continue working diligently to make Eden the best place it can be.

Much is yet to be accomplished but Eden is on its way to a far better future. The 2011 All-America City campaign slogan, *Eden: Where Promise Flows*, has become a reality.”

## ENGINEERING

FY 2021-22 Street Resurfacing Contract, No. 1

The bid opening for the FY 2021-22 Street Resurfacing Contract, No. 1 was held on July 27 in which the City received four responsive bids. The low bidder was Waugh Asphalt, Inc. out of Franklinville, N.C. with a bid in the amount of \$240,682.90. The contract includes the adjustment of utility structures, asphalt milling, leveling and resurfacing on the following streets: Henry Street, Park Road, Knight Street, Taft Street and Mill Avenue. The work is scheduled to be completed sometime in September or October.

NCDOT Street Resurfacing – Washington Street

The resurfacing of Washington Street has been completed; however, NCDOT is still waiting on their contractor to install the permanent pavement markings. The contractor has been delayed due to personnel and equipment issues.

Water Main Projects Update

Installation work for the Bridge Street waterline replacement project began August 3 with workers from Collection and Distribution installing a new valve and making a couple of temporary water taps to serve customers. Through August 9, crews installed roughly 338 LF of 6-inch diameter ductile iron water main. Traffic in the block between Irving Avenue and Oak Street has been shifted to the east using traffic cones, with two-way travel allowed during most of the work.

A crew from Haymes Brothers installed approximately 1,350 LF of 16-inch diameter PVC water main as of August 6, as part of the phase two work for the SOVA MegaSite project. The crew has been working along N. Rickman Street north and south of Mill Avenue, with the actual crossing of Mill Avenue skipped for now. A connection has been made to the existing 6-inch water main. A couple bores under creek crossings are proposed for the next month.

## PARKS AND RECREATION

Bridge Street & Mill Avenue Recreation Centers

Minutes of the August 17, 2021 meeting of the City Council, City of Eden:

These two facilities will be open Monday through Friday from 10 a.m. until 6 p.m. Those attending may participate in basketball, pickleball, track walking or the playground.

The Mill Avenue Recreation Center offers the same services with the addition of a baseball field.

#### Freedom Park

Open daily from dawn to dusk, this park offers a walking track, nature trail, splash pad, skateboard park, basketball courts, miniature golf (open Friday, Saturday and Sunday 4-7 p.m.), playground, dog park, picnic shelters and an amphitheater.

#### Garden of Eden Senior Center

The Garden of Eden Senior Center is open from 10 a.m. – 6 p.m. and offers paint classes, mahjonn, pickleball (mornings and evenings offsite), exercise classes, cornhole, knit and crochet, strength and balance, legal aid, quilt guild, Friends Club, bingo, watercolor classes, craft classes, senior technology classes and card games, along with assistance and referral for seniors. The center's community garden is producing and vegetables are being given away. Software is currently being setup to enable staff to email participants newsletters and calendars in order to keep them informed of services and programs they might be interested in.

#### Mill Avenue Pool & Freedom Park Splash Pad

Hours are noon until 6 p.m. daily (including weekends). The pool and splash pad can also be rented daily from 9:45 – 11:45 a.m. and also from 6:30 – 8:30 p.m.

#### Special Events

The City hosted the N.C. Dixie Youth Baseball Ozone State Tournament at Freedom Park with an opening ceremony on July 16. Twelve teams from all over the state participated over a course of six days. The Reidsville All-Stars won the D1 championship while South Stanley captured the D2 title. Both teams will travel to Laurel, Mississippi to represent N.C. in the Dixie Youth Ozone World Series. This event brought more than 1,500 hundred players, parents and spectators to Eden.

#### Sports Programs

The City is now registering for an adult cornhole league and an adult/child kickball league. Registration has begun for the Prowlers football program for ages 5-12, as well as the football cheerleading program.

## PLANNING & COMMUNITY DEVELOPMENT

#### Board of Adjustment

The Board of Adjustment received an application for a variance for an accessory structure at 1002 Lawson Street. The Board will meet in August to hear evidence and render a decision on the case.

#### Collections

Payments received for code enforcement fees during the month of July consisted of \$690.30 from Rockingham County Tax Department and \$700.00 by the City.

#### EDDI

The Main Street program has tracked over \$2.8 million in downtown investment over the last year, which is the largest amount recorded from Eden's involvement in the N.C. Main Street program.

#### Grants

Posters and brochures were posted in City Hall to stay in compliance with all laws and regulations of the state and federal government concerning Fair Housing, Section 3 and Language Access Plans. The posters and brochures must stay posted for the entire duration of the City's grants; some must be rotated with others provided to the City by its consultants. There will be additional policies related to the CDBG-Draper project that will presented for adoption at the August City Council meeting. Staff will begin to verify incomes and make inspections of the properties that qualify to receive assistance.

*Downtown and Economic Development Activities*

The Boulevard

The Boulevard Merchants continue to host events, including a third annual ‘Cars and Crabs’ low country boil and car show event. A mural recently painted at the corner of Irving Avenue and The Boulevard has elicited good response and is spurring another to be painted on an adjoining building. More investor inquiries have occurred.

The Cook Block

The location of 623 Morgan Road is under new ownership and will soon be refurbished.

Draper

The locations of 107A and 107B N. Fieldcrest Road are under new ownership and renovations have begun on both the façade and interior. The location of 144 N. Fieldcrest Road is currently being renovated. A new restaurant is coming to 115 N. Fieldcrest Road. Building permits have been issued to construct a drive-thru ATM at 125 N. Fieldcrest Road. A Draper Small Area Plan introductory meeting was held July 22 at Draper Christian Church.

Uptown Eden

The location of 651 Washington Street will be occupied by Revived Vintage, leaving its former location of 600A Monroe Street vacant; however, a new tenant has been identified for that space. Southern Julep is moving to 619 Monroe Street; its former location of 711 Washington Street will host a pottery shop. There are plans to move a gymnastics group from Greensboro to the former armory building at 615 Henry Street. The Dip Bar opened at 640 Washington Street. An announcement for a new business coming to 620 Henry Street is expected soon. A free-standing ATM has been constructed at 726 Washington Street with expectations for it to be operational by mid-September. Uptown merchants continue to host Friday evening events on the first Friday of each month. A favorable article about Uptown Eden was recently published in Explore Rockingham magazine.

*Other*

Pedestrian Plan

It is expected for the plan to be presented to Council in late summer/early fall.

Unified Development Ordinance

Letters were mailed to the 331 property owners affected by Zoning Case Z-21-11, providing them notice that the zoning was changed to Business General and Business Highway.

The Planning Board met on July 27 to consider:

- (1) Z-21-13 to rezone property on Sanderlyn Court and Peppermill Trail identified by the Rockingham County Tax Dept. as PIN 7978-0068-0616, PIN 7978-0058-8513, PIN 7978-0058-8770, PIN 7978-0058-9561 and PIN 7978-0068-8552 from Residential 12 to Residential Mixed Use.
  - (2) Z-21-14 to rezone property at 312 Bridge Street from Business General to Residential 12.
  - (3) Z-21-15 to rezone property at 1128 and 1130 Friendly Road from Residential-Agricultural to Heavy Industrial.
- b. Report on advisory committee proceedings.
- (1) Strategic Planning Commission.

Mayor Hall called on Staff Advisor Cindy Adams.

Ms. Adams said she wanted to present four items for approval that were previously tabled due to COVID-19. The first item was the Morehead High School Shadowing Program. The shadowing day was set for March 17, 2022. Staff would be working with Leslie Graves at the school who would select a group of Morehead High School students to participate in a daylong shadowing experience with employees. These students would be introduced to all types of jobs that would include Public Works, Public Utilities, City Hall, Fire Department, Parks & Recreation and the Police Department. Students would be treated to both breakfast and lunch. The program was successfully conducted two years ago. The request for the project

was \$1,000; however, it was possible it could cost less depending on the number of students participating. The second program, initiated by Mr. Hunt, was the Entrepreneurship Program. Small business was the lifeblood of the U.S. economy. It represented 99.7 percent of all employment firms, employed half of all private sector employees and paid 44 percent of the total U.S. private payroll. Mr. Hunt established the Rockingham Entrepreneurial Assistance Program (REAP), which was designed to help business owners receive the assistance they needed in order to operate the most efficient and profitable companies, thereby paving the way for long-term success. The REAP Program proposed to hold a series of classes in Eden in the spring of 2022 for prospective and current business owners. The classes would be conducted by Andrew Santulli, a business counselor with the Small Business Technology Development Center in Greensboro. The commission requested to allocate up to \$20,000 in funding during the 2021-2022 fiscal year to help pay for the instructor cost for the series and to cover the costs associated with the establishment of a Service Corp of Retired Executives (SCORE). SCORE offered entrepreneurs helpful guidance for their business. Currently, one existed in Reidsville and the commission desired to offer the same resource in Eden. They were asking for up to \$20,000. The third project was the Eden Drive-In Night/Movies Under the Stars event. The commission wished to host an Eden Night at the Eden Drive-In and conduct three outdoor movie nights. One night would be utilized at Winterfest during the month of December. The other two nights could take place in Grogan Park, in the downtown areas, Mill Avenue pool, Freedom Park, etc. The requested cost of \$4,000 included the rental of a 20-foot screen, sound and the movie. Because the movies shown to the public were copyrighted, the City must go through Swank Motion Pictures in order to rent the movies. The events would be free to the public. The last project was Kayak Lessons for Middle Schoolers. Twelve middle schoolers would be accepted for instructional classes that would take place during early summer 2022. The classes would include one in the classroom, four in the pool and one on the river. Each session would last two hours. The cost of \$1,360 included instructors from Three Rivers Outfitters, along with the rentals of kayaks, paddles and safety vests.

Lastly, Ms. Adams wanted to make Council aware of the Mural/Art Project that was currently only a concept as no money was being requested at the present time. The commission wanted to identify neighborhoods, such as those around the Bridge Street Recreation Center or Peter Hill Park, that may need art such as a mural, sculpture or pottery. The commission hoped to have a community meeting seeking the members' advice on what type of art they would like to see in the area. The City would select through an application process who the members of the committee would be, seeking those who were enthusiastic about art and would commit to the work and meetings. Next, the City would select an artist via a contract who would design a preliminary draft of the art design, which would be sent back to the committee for approval. Lastly, if the chosen area were to not be City property, an agreement would be drawn up with the property owner for a five-year use of their property for the art. There would be a final public meeting held to show the community the art design draft before the artist began the work. Nashville was known for their artwork in which they showcased sets of wings throughout the city, but each one had different content. One of the ideas mentioned was that the City's project could lead to something similar but the intent was to get the community's input and let them decide.

Council Member Hunnicutt asked what the Eden Night at the Eden Drive-In was.

Ms. Adams said it was a night that the City would sponsor during the week, likely on a Thursday night, where the community would be invited to come watch a movie at the Eden Drive-In for free. The event would cost the City \$1,000.

Council Member Hunnicutt asked if it was similar to a regular movie night with the exception of the City sponsoring it.

Ms. Adams said yes.

Mayor Hall said these were projects that the Strategic Planning Committee recommended over a year ago but due to COVID-19 and budget concerns, they were tabled. The shadowing program would help with job development. The Entrepreneurship Program would provide an opportunity for business owners and citizens who were interested in opening a business to do things the correct way, which would economically



benefit the City. The drive-in project would be an opportunity for the City to enjoy a free night at the movies and Winterfest in December had always been a big hit. The kayak lessons would be beneficial due to the amount of water around the city and the people wanting to access it. The safety aspect of the program would obviously be an important part of water use.

Council Member Moore asked if the kayak lessons would be at the Mill Avenue pool.

Ms. Adams said yes. Staff had talked with Parks and Recreation Director Terry Vernon about the project and he was in favor of utilizing the pool for that purpose.

Council Member Hampton made a motion to approve funding for the Morehead High School Shadowing Program, Entrepreneurship Program, Eden Drive-In Night/Movies Under the Stars Program and the Kayak Lessons for Middle Schoolers Program. Council Member Moore seconded the motion. All members voted in favor. The motion carried, 7-0.

(2) Planning Board

Mayor Hall called on Ms. Stultz.

Ms. Stultz said the Planning Board had been busy for the past several years. Presently, they were serving as the steering committee for the Comprehensive Plan and the Pedestrian Plan. On August 19, a public meeting would be held at City Hall in the hopes of receiving public input on the proposals and recommendations for trail ways.

Mayor Hall said the City of Eden Comprehensive Pedestrian Plan would be held at City Hall in the Eden Room on August 19 from 5 until 6:30 p.m. He asked everyone to please come by and participate.

(3) Parks Commission

Mayor Hall called on Mr. Vernon

Mr. Vernon said the Parks Commission met on August 3. Several things had been asked of the commission over the first month and they had been working on them even though the N.C. Dixie Youth Baseball Tournament put them behind. The commission wanted to host a cornhole tournament during RiverFest. They were going to try and do more individual sports, such as golf and tennis. Judge Ed Wilson was over the Greenway Subcommittee; he and fellow member Ben Curtis met with Ms. Stultz to discuss the expansion of the current greenway. The City developed a greenway plan over 14 years ago and that plan was still viable. After meeting, it was agreed that the least expensive and easiest section to complete at the present time was the calcium carbide section of the greenway, which was proposed to the commission and approved. They were seeking Council's approval for funding that section of the greenway.

Mayor Hall said the Council would need to know the funding amount before approving the expansion.

Council Member Carter suggested finding out the price and bringing it back before Council at the next meeting.

Mr. Vernon said the committee would meet again in October and he would find out the cost.

Mayor Hall said he would personally be in of favor of seeing the project moved forward. He noticed there was equipment set up on Matrimony Creek where repair work was being completed and he was hoping the trail would be open soon.

Mr. Vernon said the employees had been working hard to complete the repairs and everyone was working together to make it happen.

Council Member Carter asked about the participation numbers in football.

Mr. Vernon said the participant count was low. There was adequate participation in the flag tag division, which consisted of ages five and six and there was an overabundance of participants in the 8U division, which consisted of ages seven and eight. However, the program could still use players ages nine to twelve as there was roughly only 15 players on the 10U and 12U teams. Ms. Hunt had been promoting the program heavily on social media in the hopes of recruiting more participants. The jamboree was scheduled for August 28. He asked for everyone to help spread the word as the Prowlers was the only football program in town.

Council Member Moore asked Mr. Vernon if the department could spread the word once schools started the following week.

Mr. Vernon said staff planned on going to the open houses to promote the football program in hopes of gaining a few players.

Council Member Epps said he watched the teams practicing one day and was very impressed with the program.

Mr. Vernon said it was a very organized program.

**CONSENT AGENDA:**

- a. Approval and adoption of the (1) July 20 regular meeting and (2) July 22 special minutes.
- b. Approval of FY 2021-22 Street Resurfacing Contract No. 1.

Transportation Engineering Director Tammy Amos wrote that bids were received on July 27 at 11 a.m. A total of four responsive bids were received for the project. The successful low bidder was Waugh Asphalt, Inc. in the amount of \$240,682.90. The date of availability for the contract was September 1, 2021. The substantial completion date was October 29, 2021. The Engineering Department was requesting Council’s approval to award the contract to Waugh Asphalt, Inc. based on their bid amount shown above.

 <b>FY 2021-22 STREET RESURFACING CONTRACT, NO. 1 (SRC 2021-22-01)</b> CITY OF EDEN, NORTH CAROLINA BID TABULATION SCHEDULE July 27, 2021 11:00 A.M.											
Bid Item No.	Description	Unit	Est. Qty.	Waugh Asphalt, Inc. NC License # 59882		APAC-Atlantic NC License # 12459		Triangle Grading & Paving NC License # 17458		Adams Construction NC License # 20677	
				Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total
1	Adjustment of Manholes	EA	21	\$ 800.00	\$ 16,800.00	\$ 715.00	\$ 15,015.00	\$ 600.00	\$ 12,600.00	\$ 1,020.00	\$ 21,420.00
2	Adjustment of Valve Boxes	EA	8	\$ 800.00	\$ 6,400.00	\$ 695.00	\$ 5,560.00	\$ 600.00	\$ 4,800.00	\$ 1,005.00	\$ 8,040.00
3	Edge Milling Asphalt Pavement, 0 to 1.5" depth	SY	3,764	\$ 5.35	\$ 20,137.40	\$ 5.10	\$ 19,196.40	\$ 7.80	\$ 29,359.20	\$ 15.00	\$ 56,480.00
4	Edge Milling Asphalt Pavement, 0 to 2.5" depth	SY	166	\$ 7.35	\$ 1,220.10	\$ 28.90	\$ 4,780.80	\$ 23.00	\$ 3,818.00	\$ 47.00	\$ 7,802.00
5	Asphalt Concrete Leveling Course, Type S9.5B Virgin Mix	TON	40	\$ 118.00	\$ 4,720.00	\$ 220.00	\$ 8,800.00	\$ 220.00	\$ 8,800.00	\$ 178.00	\$ 7,120.00
6	Asphalt Concrete Surface Course, Type S9.5B Virgin Mix	TON	1,755	\$ 103.00	\$ 180,765.00	\$ 129.25	\$ 226,833.75	\$ 132.00	\$ 231,660.00	\$ 135.00	\$ 236,925.00
7	Shoulder Reconstruction, Incidental Stone (ASB)	TON	120	\$ 88.67	\$ 10,640.40	\$ 95.00	\$ 11,400.00	\$ 60.00	\$ 7,200.00	\$ 136.00	\$ 16,560.00
<b>Total Bid Price (Items 1-7)</b>					<b>\$ 240,682.90</b>		<b>\$ 291,565.95</b>		<b>\$ 298,237.20</b>		<b>\$ 354,327.00</b>
<b>Alternate Bid Items</b>											
A1	Asphalt Concrete Surface Course, Type R99.5B	TON	1,755	\$ 95.00	\$ 166,725.00	\$ 115.50	\$ 202,702.50	\$ 120.00	\$ 210,600.00	\$ 117.00	\$ 205,335.00
The Lump Sum and Unit Prices in This Tabulation received on July 27, 2021 Are As Given In The Bidder's Respective Bid Proposals And The Totals Are Arithmetically Correct  Kevin London Engineering Technician II, City of Eden											



eligible dwelling which is demolished or converted to use other than low/moderate income housing. The CITY PLANNING & COMMUNITY DEVELOPMENT DIRECTOR / CITY MANAGER are designated as compliance officers. (4) Optional Coverage Relocation Plan: The Plan provides for optional relocation benefits for occupants/tenants of dwellings being acquired for demolition, and those temporarily displaced during program activities. (5) Acquisition Guidelines\*: The Guidelines detail the objectives of the real property acquisition practices of the CITY. The Guidelines state that it is the CITY's intent to only acquire property in the approved project area (such as potential easements) to meet the aims and objectives of the CDBG program. (6) Disposition Guidelines\*: The Guidelines detail the objectives of the real property disposition practices of the CITY. The Guidelines state the intent and procedures of the disposition practices of the CITY. (7) Relocation Guidelines\*: The Guidelines detail the objectives of the relocation practices of the CITY. The Guidelines state that it is the intent of the CITY to only relocate occupants whose dwelling is unfit for human habitation and beyond the scope of rehabilitation. (8) Clearance Guidelines\*: The Guidelines detail the objectives of the demolition and clearance practices of the CITY. The Guidelines state that the intent of the CITY is to rehabilitate substandard privately-owned dwellings whenever feasible. However, when housing conditions are dilapidated and the cost of rehabilitation is economically unfeasible, the CDBG program will acquire, demolish, and clear the structures. (9) Rehabilitation Guidelines: The Guidelines detail the objective of the rehabilitation practices of the CITY. The Guidelines state that the intent of the CITY is to rehabilitate private property in a cost-effective manner in the approved project area whenever feasible to meet the plans and to achieve the aim of the CDBG project. (10) Rehabilitation/Reconstruction Guidelines: The Guidelines detail the objective of the rehabilitation/reconstruction practices of the CITY. The Guidelines state that the intent of the CITY is to use reconstruction in lieu of rehabilitation for properties that cannot be cost effectively rehabilitated. (11) Hook-Up Guidelines\*: The Guidelines detail the objective of the hook-up practices of the CITY. The Guidelines state the intent of the CITY to provide a hook-up in a cost-effective manner to approved existing public utility lines to meet the plans and achieve the aims of the CDBG project. (12) Public Facilities Guidelines\*: The Guidelines detail the objectives of the public facility improvement practices of the CITY. The Guidelines state that the CITY will undertake public facility improvements whenever feasible, in accordance with the approved application. (13) Complaint Procedure: The Procedure has all comments being sent to the CITY PLANNING & COMMUNITY DEVELOPMENT DIRECTOR / CITY MANAGER. Deadlines for responses are included in the Procedure. (14) Officer Designations: (a) Contracts Officer: The CITY PLANNING & COMMUNITY DEVELOPMENT DIRECTOR / CITY MANAGER, and successors so titled, will have the authority to execute contracts pertaining to grant implementation within the limitations of the approved Grant Application and Local, State and Federal Procurement Procedures. (b) Labor Standards Officer\*: The CITY PLANNING & COMMUNITY DEVELOPMENT DIRECTOR / CITY MANAGER, and successors so titled, will have the authority to enforce compliance of labor standards on all jobs requiring labor standards provisions. (c) Verification Officer: The CITY PLANNING & COMMUNITY DEVELOPMENT DIRECTOR / CITY MANAGER, and successors so titled, will have the responsibility to verify the eligibility of all contractors and subcontractors participating on jobs funded in full or in part with Community Development funds. (d) Just Compensation Officer\*: The CITY PLANNING & COMMUNITY DEVELOPMENT DIRECTOR / CITY MANAGER, and successors so titled, have the authority to certify just compensation of private property acquisition within the limitations of the approved Grant Application and State and Federal Acquisition Procedures.

(15) Financial Management Procedure: The Procedure establishes how the CITY will maintain a required financial accounting system for the CDBG Program. The Procedure meets all Federal guidelines for financial management of Federally-assisted activities. (16) Neighborhood Revitalization Contractor Procurement and Disbursement Policy: Modeled after policies of the NC Housing Finance Agency Single Family Rehabilitation Program, this Policy outlines the CITY's procedures during the CDBG-NR program for securing housing construction contractors, processing payment requests for construction work, and working with the Housing Rehabilitation Specialist. (17) Neighborhood Revitalization Assistance Policy: Modeled after policies of the NC Housing Finance Agency Single Family Rehabilitation Program, this Policy outlines the CITY's guidelines for applicant eligibility criteria and ranking, types of housing rehabilitation assistance, and what processes residents can expect to go through to obtain assistance. C: CDBG-NR File, 18-C-3071 \* *Indicates plans that are not necessarily applicable to this type of CDBG project*

*Copies are on file at City Hall.*

d. Adoption of supplemental policies for CDBG-CV.

*Copies are on file at City Hall.*

e. Adoption of an Emergency Paid Sick Leave Policy to extend through June 30, 2022.

Director of Finance & Personnel Tammie McMichael wrote in a memo that The Families First Coronavirus Response Act, passed in March 2020 as the federal government's first response to the COVID-19 crisis, was a law with many

parts. The Emergency Sick Leave Act and the Emergency Family and Medical Leave Expansion Act were the two most familiar to public employers. The stimulus bill that was passed December 21, 2020 did not extend the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act. Those laws and the benefits they provided to employees expired at midnight December 31, 2020. Council approved the attached policy to extend the Emergency Paid Sick Leave Act until June 30, 2021. Since we are facing the Delta Variant/COVID-19, it made the most sense to continue this benefit to employees. We are in hopes that all employees to stay healthy and safe. However, we would like to encourage employees to stay out of work if they become exposed to or test positive for the Delta Variant/COVID-19 in efforts to prevent further spreading of the virus to other essential city employees. Staff recommended, as a proactive measure, that we continue to provide emergency paid sick leave for the period of July 1, 2021 through June 30, 2022 based on the conditions established in the attached Emergency Paid Sick Leave extension policy.

The City of Eden is taking steps to protect our employees with the expiration of the Families First Coronavirus Response Act (FFCRA) on December 31, 2020. It is the City's goal to continue to operate effectively and ensure that all essential services are continuously provided and that employees are safe within the workplace.

The City of Eden is committed to provide accurate information about the nature and spread of infectious diseases, including symptoms and signs to watch for, as well as required steps to be taken in the event of an illness or outbreak. The City of Eden will provide eligible employees with temporary emergency paid sick leave under certain conditions. This policy will become null and void should Congress adopt an Emergency Paid Sick Leave Act prior to the expiration date of this policy.

#### The City of Eden Emergency Paid Sick Leave

The City of Eden Emergency Paid Sick Leave is separate from and independent of Family and Medical Leave (FMLA) and is independent of any existing sick leave policies that the City grants employees in the normal course of business. The policy allows an eligible employee to qualify for emergency paid sick leave as follows:

1. The employee has been advised by their healthcare provider to self-quarantine because they are infected with or have been exposed to COVID-19 or because they are at high risk of complications from COVID-19.
2. The employee is showing symptoms of COVID-19 and is actively seeking but has not yet received a medical diagnosis;

#### Eligibility

All employees who have been employed with the City for at least 30 days (full-time) are eligible for EPSL in the event the employee is unable to work or telecommute because the employee meets one or more of the conditions stated above.

#### Duration/Compensation

Employees are eligible for, on a one-time basis, the following:

Full-Time employees: 80 hours of pay at their regular hourly rate of pay. "Equivalency of leave shall be provided for any shift work whereby an employee that is scheduled to work in excess of 40hrs a week is granted COVID leave at an equivalent rate for the amount of time they are scheduled to work for that week. Each employee's supervisor shall certify in writing as to the amount of shift work scheduled and the amount of COVID leave necessary to reach equivalency. Equivalent leave shall be capped at providing 2 weeks of COVID leave for shift workers

#### General Rules

- Employees may elect to use EPSL prior to utilizing any accrued paid sick leave under the City's sick leave policy.
- Employees that have used all or a portion of the original 80 hours, will not receive additional hours for EPSL.
- No leave provided by the City under any governmental act prior to July 1, 2021, may be credited against the EPSL eligibility.
- Employees are responsible for immediately notifying Human Resources of their intent to utilize this policy, so that the appropriate application paperwork may be given to the employee in a timely manner.
- Employees must successfully complete the necessary application paperwork and return it to Human Resources in a timely manner in order to receive compensation under this policy. Failure to return application paperwork and required supporting documentation in a timely manner may result in a delay in receiving compensation under this policy.
- Employees seeking compensation under this policy found solely to be taking this leave to defraud the City will be subject to disciplinary action up to and including termination of employment.

Minutes of the August 17, 2021 meeting of the City Council, City of Eden:

- The City will not retaliate against any employee who requests to take EPSL in accordance with this policy.
- This policy expires on June 30, 2022.

f. Succession planning in the Planning & Community Development and Engineering departments.

Due to anticipated retirements the following succession plan has been developed to allow for the timely onboarding of personnel in order that training, cross-training, and continuity of service to the public be accomplished.

Positions undergoing transition:

1. Transportation Engineering Director – expected 4<sup>th</sup> Quarter of Fiscal Year
2. Planner II – expected 4<sup>th</sup> Quarter of Fiscal Year
3. Meter Reader (PT) – expected 2<sup>nd</sup> Quarter of Fiscal Year
4. Water/Sewer Projects Manager – vacancy occurred 1<sup>st</sup> Quarter of Fiscal Year
5. Local Codes Administrator – GIS Coordinator – due to the technical nature of GIS, this position needs approximately 1-1.5 years of cross-training with replacement

Succession plan elements – on-board:

1. Re-cast Engineering Department to Division of Design & Construction in the Administration Department
2. Transportation Engineering Director transition to:
  - a. Office Assistant assigned to Planning & Community Development – 3<sup>rd</sup> Quarter of Fiscal Year
  - b. Engineering Assistant I assigned to Design & Construction -3<sup>rd</sup> Quarter of Fiscal Year
3. Planner II transition to:
  - a. Planner I assigned to Planning & Community Development – 4<sup>th</sup> Quarter of Fiscal Year
4. Meter Reader (PT) transition to:
  - a. Engineering Assistant/Meter Reader (FT) – 2<sup>nd</sup> Quarter of Fiscal Year
5. Water/Sewer Projects Manager – leave position unfilled, ORC duties have been moved to Public Works, construction will be assigned to Design & Construction
6. Local Codes Administrator – GIS Coordinator transition to:
  - a. Engineering Technician I assigned to Design & Construction – 4<sup>th</sup> Quarter of Fiscal Year to cross-train on GIS for 1-1.5 years

Succession plan – costs:

1. Approximate Cost Savings: \$68,623.00
2. Schedule of costs/on-boarding is approximate and estimated to occur within a 90-day range so that there is sufficient time to on-board/train/etc. but not overly so.

Requested Actions:

1. Authorize the succession plan.
2. Make the following classification changes/authorized positions:
 

a. Design & Construction Manager	GR 20	1 position
b. Project Manager	GR 13	0 positions
c. Project Coordinator I-III	GR 10-12	1 position
d. Engineering Technician I-IV	GR 7-10	1 position
e. Engineering Assistant I-IV	GR 3-6	2 positions
f. Office Assistant	no change	1 position

A motion was made by Council Member Moore to approve the Consent Agenda. Council Member Carter seconded the motion. All members voted in favor. The motion carried, 7-0.

ANNOUNCEMENTS:

Mayor Hall said that on July 26, Morehead High School baseball coach and Holmes Middle School teacher Jeffrey Roberts passed away. The community really lost a big champion for Eden with his passing. He asked everyone to remember his family and friends. On August 3, N.C. House Representative Jerry Carter passed away. He was a great public servant for the area and district. He asked everyone to also keep his family in their prayers. On August 18, former Police Chief and current County Commissioner Reece Pyrtle would be sworn in to fill the remainder of Mr. Carter’s term. He asked everyone to thank Mr. Pyrtle for accepting the position and wish him well. He added that Mr. Pyrtle would do a great job representing Rockingham County and the district.

Council Member Epps said the Sirloin House in Martinsville, Va., closed but they were bringing their resources to the Eden location. The owners would be making changes to make it more profitable for people to work at the restaurant. He expressed his thankfulness that they decided to keep the Eden location open.

Council Member Hampton thanked everyone who came out and participated in The Boulevard’s Cars and Crabs event. She said it was a great day with a good turnout.

CLOSED SESSION:

- a. Closed sessions pursuant to North Carolina General Statute 143-318.11 (a)(4) Economic Development, (5) Acquisition of Real Property, and (3) Legal.

A motion was made by Council Member Carter to go into closed session. Council Member Hampton seconded the motion. All members voted in favor of the motion. The motion carried, 7-0.

A motion was made by Council Member Carter to return to open session. Council Member Hunnicutt seconded the motion. All members voted in favor of the motion. The motion carried, 7-0.

ADJOURNMENT:

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

Respectfully submitted,

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Deanna Hunt  
City Clerk

ATTEST:

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Neville Hall  
Mayor