

CITY OF EDEN, N.C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, September 21, 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
	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

MEETING CONVENED:

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

RECOGNITIONS AND PROCLAMATIONS:

a. Oaths of Office: 2021-22 Eden Youth Council

Mayor Hall called on City Attorney Erin Gilley and Parks and Recreation Director Terry Vernon. He asked the new members of the youth council to come forward. Mayor Hall said Ms. Gilley, Mr. Vernon and Council Member Ellis were the sponsors for the youth council and he appreciated what they did along with other members of staff.

Ms. Gilley thanked the parents, supporters, and new members of the Eden Youth Council for being in attendance. This was the start of the 10th year of the council. The council was initially started to provide a voice for the youth of the community in order to give them the opportunity to advise the City Council of important issues they faced. During the process, staff hoped to accomplish another important pursuit, which was to instill leadership in the youth, as well as community mindedness. Over the past 10 years, all members had service project ideas and community mindedness and the City should be proud to have within the youth of the community. Ms. Gilley was excited for a new, active year. While the council was able to remain active over the past year, they struggled due to most of the meetings being held virtually or socially distanced as a result of COVID-19. Staff and members were ready for an active and socially present year. The 11 new members joining the group would be a great addition to the current council.

Mayor Hall pointed out that one of the founding members of the Eden Youth Council, Jim Burnette, was present as well. He thanked him for the foresight to initiate the creation of the council as it had developed into a great program.

The new members were sworn in by Mayor Hall: Destiny Perez, Dalyn Hutchens, Kaylee Jones, Cooper Martin, Taylor Hines, Madisyn Campbell, Reagan Harris, Alishba Tanveer and Larissa Underwood. Brittny Barnes and Keyleigh Talbert were not present due to school activities but would be sworn in at a later event.

Mayor Hall invited the new members and their families to partake in a reception to be held at the conclusion of the Recognitions and Proclamations section of the agenda.

b. Recognition: Bridge Street Waterline Replacement Project

Mayor Hall called on City Manager Jon Mendenhall.

Mr. Mendenhall called on Director of Public Works Paul Dishmon to recognize the Collections and Distribution (C&D) Division of the Public Works Department for their work on the recent completion of the Bridge Street waterline replacement. The replacement of water and sewer lines used to be done in-house but the City had moved away from that approach in the previous years. However, the City was returning to that format with the upcoming replacement of several sewer lines in the current fiscal year. It was part of a strategy to replace lines in-house with City forces moving forward.

Mr. Dishmon said the waterline replacement on Bridge Street involved the replacement of 600 feet of a six-inch water main that had deteriorated. The line had between 40 and 50 clamps on it from several years of leak repairs. An estimated cost of \$212,000 was provided by a contractor for the repair work. By completing the project in-house, which included paving and concrete work, it cost roughly \$45,000, resulting in a savings of \$167,000. The employees of C&D had proved their capabilities time and again with repairs and other in-house projects that went above and beyond the basic maintenance of water and sewer lines. Once the compaction test was complete, the crews would return to paving and repairing driveways. No residents lost water throughout the entire process. He asked the C&D employees in attendance to stand up and be recognized.

Mayor Hall thanked Mr. Dishmon and his staff for their hard work that saved the citizens money.

The employees were commended with a round of applause by those in attendance.

c. Recognition: Matrimony Creek Repair Project

Mayor Hall called on Mr. Mendenhall.

Mr. Mendenhall said the project was complete thanks to the Streets Division of Public Works who worked very hard on the project. He presented a PowerPoint slideshow that showcased the process of the project. During flooding events in the fall of 2020, the Matrimony Creek Nature Trail suffered a washout of a sewer line and exposure of a manhole. The water force of the flooding eroded the existing creek bank. Due to it being a critical repair, crews began cleaning the bank and leveling up the work area by laying out geo fabric to prevent erosion, all of which had to be permitted by the Army Corps of Engineers and the Department of Environmental Quality, which took time and expertise. The City had to follow very strict permitting guidelines to see the project through. Due to the high peak velocity discharge of the flood waters, a narrow opening of approximately three feet was left on the trail. Class A rip rap was put over the geo fabric before large boulders were placed in order to form a border at the waterline. Any voids between boulders were filled with Class B rip rap. The original approved permit did not allow work to be performed towards the washed out 36-inch stormwater pipe. Permission was requested and granted from the Army Corps of Engineers to extend the repair work to the point where employees could replace the lost 20-foot section of the stormwater pipe stub that was exposed. The pipe was retrieved downstream and reattached to the stub pipe. In the layering process, large boulders were individually set in place over smaller stone and backfilled dirt. The end of the PowerPoint showcased the completed rock and stone wall that ultimately established a new creek bank with special erosion control grass that was planted on the back slope. A specific type of tree would be planted along the bank that provided a

special root system that would assist in holding everything together, which was a condition in the permit. A solid roadway was reestablished for accessing the area for sewer work, which made for an excellent nature trail. The great thing about where the City's greenways were located was many were dual use as there were sewer lines already there that must be maintained and kept free of vegetation; therefore, the greenways were constantly maintained. Mr. Mendenhall encouraged everyone to use the trail and enjoy the view of the waterfall at the one-mile mark. The City did rent some equipment but it was all in-house labor, employees working hard day in and day out in the heat of the summer for the taxpayers while saving money. He called on Mr. Dishmon to recognize the employees of the Streets Division for their hard work repairing the storm damage.

Mr. Dishmon said the repair work took place on a quarter-mile of the trail, which involved the placement of nearly 2,000 tons of different rock and stone. In the end process, new screenings were placed on the entire trail, most of which were already in stock at the City from a previous purchase. The Streets Division had assistance with hauling and was able to utilize some of the dirt remaining from Fire Station 4 when the fire training center was built. All labor was conducted in-house. Employees Darren Gatewood, Jamie Campbell and Travis Hutchens were the employees who consistently worked on the project. It was a time-consuming repair and he thanked the Streets Division for their hard work and asked for them to stand up and be recognized.

The employees were commended with a round of applause by those in attendance.

Mayor Hall said it had been a long project that involved most of the City staff in some aspect. Council received constant updates from Projects Manager Terry Shelton throughout the permitting process and some of the repair work was funded through grant funding. He had received several calls and emails from citizens who were pleased with the repair work and thankful the trail was restored and reopened.

d. Proclamation: Constitution Week

Mayor Hall asked Ginny Jones to come forward.

Ms. Jones thanked the City for supporting and defending the Constitution. It meant a lot to the George Reynolds Chapter of the Daughters of the American Revolution. The group had been in Eden for almost 90 years. The Chapter believed in the Constitution and appreciated the proclamation.

PROCLAMATION: Constitution Week 2021

WHEREAS: September 17, 2021 marks the two hundred and thirty-fourth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

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

NOW, THEREFORE I, Neville Hall, by virtue of the authority vested in me as Mayor of the City of Eden do hereby proclaim the week of September 17 through 23 as CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Eden to be affixed this 21st day of September of the year of our Lord two thousand twenty-one.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

*A recess occurred to allow for a reception honoring the new members of the Eden Youth Council.*

SET MEETING AGENDA:

Mayor Hall requested to remove item 9(b) "Update on New Street project" from the agenda as it dealt with some projects with the County where certain details had yet to be worked out. Council Member Carter requested to add item 10(c) "Discussion of the Peter Hill Park Renaming" under New Business as he desired to make a motion after its discussion.

Mayor Hall asked Ms. Gilley if it was OK to add that particular item as an action item.

Ms. Gilley said it could be added to the agenda but if it were to be discovered that a notice had to legally be given in regards to the item, it would have to be revisited but she did not foresee it being an issue.

Council Member Carter said he desired to add Council Member Hampton's name to the item as well. Council Member Carter made a motion to add 10(c) "Discussion of the Peter Hill Park Renaming" under New Business. Council Member Hampton seconded the motion. All members voted in favor. The motion carried, 7-0.

A motion was made by Council Member Ellis to set the meeting agenda as amended. Council Member Carter 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 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 property located at 1128 and 1130 Friendly Road.

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

Ms. Stultz said the same request was brought before Council in 2017 for a similar use, which was denied. Ms. Stultz displayed pictures of the property and stated that a junkyard used to be at the location several years ago. The property was cleared a few years ago and at that time, there were no cars on the property. Current pictures taken of the property showed dismantled, wrecked, and junk vehicles being stored on it. The property was zoned Residential-Agricultural (RA) in January when the Unified Development Ordinance (UDO) was adopted. It was approximately 8.12 acres with a vacant commercial structure and single-family residence on the property. It was zoned I-2 as part of the original ETJ zoning in 1979 and rezoned to RA in January of the current year. The parcel was bordered on the north, south, and east side by large parcels of RA property containing single-family residences, and on the west side by a large parcel of undeveloped property and a subdivision. There was no public sewer. The land development plan of 2007 called for the parcel to be a traditional neighborhood type development. The request was to rezone the approximate 8.12 acres from RA to Heavy Industrial (HI). The RA district was intended to accommodate lower density residential and agricultural uses. Areas within the RA district may be restricted due to lack of available utilities, unstable soil types, or

steep slopes. The HI district was established to accommodate those industrial, manufacturing, or large-scale utility operations that were known to pose levels of noise, vibration, odor, or truck traffic that were considered nuisances to surrounding development. The HI district was customarily located in proximity to railroad sidings and/or major thoroughfares. The subject parcel was located on Friendly Road, which was made up almost entirely of residential and agricultural uses. The subject property formerly contained a scrap metal recycling facility; however, the vested right to that use was lost when the facility shut down several years ago. Previous owners had petitioned several times to have the property rezoned for industrial-type uses and each of the requests had been denied. Due to the character of the adjacent and surrounding residential and agricultural uses, staff was of the opinion that HI zoning would not be appropriate for the property. Based upon the rural character of the area and the existing residential and agricultural uses in the area, staff recommended denial of the HI request.

Council Member Hunnicutt asked what the parcel's zoning was prior to the adoption of the UDO.

Ms. Stultz said it was I-2.

Council Member Hampton asked what nature the property owners were going to use the property for.

Ms. Stultz said the owners were asking for HI, which was a zoning district that would allow a myriad of heavy industrial uses. If the owners decided to pursue a salvage yard facility and the property were approved to be rezoned, they would have to obtain a special use permit. The property had been vacant and its former use had been cleared away for several years. There had not been any commercial development pressure in the area.

Council Member Hampton asked if the houses were close to the parcel in question.

Ms. Stultz said one of the houses was on the same property.

Council Member Hampton asked if the house on the property belonged to the property owner or someone else.

Ms. Stultz said the house went with the property.

Council Member Hampton asked if the neighbors would be disturbed if the property was rezoned to HI.

Ms. Stultz said she felt it would be detrimental to the neighborhood and the Planning Board felt the same way, which was why they recommended denial of the request.

Council Member Carter asked if it was possible to send the request back to the Planning Board with an alternative zoning district recommendation that would allow painting and garage-type work.

Ms. Stultz said Council could certainly send the request back to the Planning Board but the applicant would have to request a different zoning district. However, if the owners were going to store large numbers of junk, wrecked, and abandoned motor vehicles, it would clearly be a salvage yard which was only permitted in HI districts with a special use permit. If the owners were going to work on the vehicles and keep them inside of buildings, it would be more appropriate but still not ultimately suitable for the area.

Council Member Ellis asked how the vehicles pictured were titled.

Ms. Stultz said she was unsure. She received a report from a citizen that vehicles were being stored on the property.

Council Member Carter said the vehicles would have to be kept behind a fence if the property were to be zoned for garage use.

Ms. Stultz agreed but said there were some limitations for an automobile repair facility as opposed to an automobile salvage facility. Ms. Stultz said it was possible the owners were already repairing vehicles, which was a violation in and of itself. There was a subdivision across the street that was expanding with rural residential surrounding it and there was no sewer.

Council Member Ellis asked who requested the rezoning in 2017.

Ms. Stultz said it was John Wayne Bolton. Mr. Bolton, who was the current property owner, had a land deal with Lawrence Matthew Hall III, who was the applicant at the present time.

Mayor Hall said the request before Council was to approve or deny rezoning the property to HI versus sending the request back to the Planning Board. If the applicant wanted to take the request back to the Planning Board after Council's determination, they could. He added that rezoning the property to HI would allow for anything to operate within that district, not just for what was currently proposed.

Council Member Carter said he did not want to see the property rezoned to HI.

Angie Powell of 505 Cascade Avenue in Eden stated that she was Mr. Hall's sister. She explained that Mr. Hall purchased the property with John and Linda Bolton with the intent being to use the property in conjunction with his other properties in the city. He operated two car lots and garages located at 103 Boone Road and 217 Morgan Road. The property on Friendly Road would not be a junkyard as he wanted to use the property to store cars where he could fix them and to also transfer cars off his other lots in order to keep them from being an eyesore inside the city. He was planning to take cars to the lot and remove their parts, but then dispose of the cars rather than keeping them there like a junkyard. When he first purchased the property, it was zoned as Miscellaneous-Industrial according to County records. When he went to the Planning Board, he was instructed to file for HI even though did not know what that district included. He was asking to use the property to work on cars that he would sell at his other properties. He had lived in Eden his entire life and their father had a body shop on Virginia Avenue.

Mayor Hall said the property in question was in the extraterritorial jurisdiction (ETJ) versus the city. Council had to consider the laws that pertained to the ETJ just like they would if the properties were inside the city limits.

Ms. Powell said one of Mr. Hall's locations was like a business that was open each day. The Friendly Road address would not be a junkyard that allowed people to come get a part off a vehicle at the property.

Mayor Hall said that a junkyard that was open to the public would be allowed in a HI district.

Ms. Powell said that was not Mr. Hall's intent. She provided some photographs of what the property looked like when it was purchased on July 2 and some of what the property currently looked like after Mr. Hall had cleaned up, pressure washed and painted the building.

Council Member Hunnicutt asked if Mr. Hall purchased the property in July of 2021.

Ms. Powell said yes. She added that Mr. Bolton was also present at the meeting.

Council Member Hunnicutt asked the owner to clarify if the property was zoned RA when it was purchased in July.

Mr. Hall said it was not according to the County.

Lawrence Hall of 540 Victor Street in Eden said the reason he purchased the building was to relocate the cars from his other shops. He reemphasized the pictures showcasing what the building looked like when he bought it and what it looked like after he cleaned it up. The only work that had been done to the building was interior painting. The vehicles shown were not vehicles that had been repaired, but rather salvaged vehicles that he purchased with the intent of repairing, inspecting, and putting back on the highway. He was informed that a neighbor, George Fisher, was against the rezoning. However, after speaking with Mr. Fisher and his brother Charles Fisher who owned roughly 50 acres in the same area, neither had an issue with him using the property how he wanted to use it. He was told by the City when he applied for the permit that he needed HI for the area as he did not know what he needed in regards to zoning. When he called the County to inquire about the property's zoning, he was told it was Miscellaneous-Industrial and was advised to apply for a permit with the City.

Mayor Hall said the County's zoning was only for a reference on the tax card as their zoning and the City's zonings were not always the same.

Mr. Hall said he was unaware of that. The tax card for the County referenced the properties as Miscellaneous-Industrial.

Mayor Hall said he did not think Miscellaneous-Industrial was even a zoning district but rather a description of what was on the property. However, he understood the error if the owner was not aware of that. He asked Mr. Hall if the pictures taken on the present day were accurate.

Mr. Hall said yes.

John Bolton of 5472 Tom Hill Road in Trinity asked how the zoning was changed to RA. He questioned if it was required for him to have been notified that it was changed from I-2 because he never received any type of notification. He said when he left the property and Rockingham County, it was zoned as I-2. He recalled being able to have a trucking company at the location in question but now the owners were being told they could not have a scrapyard. After selling the property to Mr. Hall, the issues of not applying for the correct permit were brought up. The property had been a scrapyard since the 1970s.

Lawrence Hall III of 1156 Virginia Street in Eden asked Council to let them use the property for what they intended to use it for as they were not trying to invade on anyone else's property or privacy.

Council Member Hunnicutt said the property at the bottom of the aerial map displayed by Ms. Stultz appeared to be a warehouse located on Roundhouse Road. He asked what the zoning was for that property.

Ms. Stultz said she could not recall but she was almost certain it was industrial because it was in continuous use and adjoined the former MillerCoors property, now known as Purina. She asked Council to notice the residential structures surrounding the aerial map shown and the residential structure on the actual property itself.

Council Member Hunnicutt asked how long the property was industrial before the UDO adoption in January.

Ms. Stultz said the one tract was industrial but there was no development pressure to put anything industrial on it. Council had turned down a vehicle salvage facility in 2017, which previously set the precedence. There was no sewer available to it and did not adjoin anything else industrial.

Council Member Hunnicutt said it appeared to have been industrial for an extended amount of time and there had not been any previous issues with neighbors. He asked Ms. Stultz how long it had been zoned as industrial.

Ms. Stultz said it had been zoned industrial since 1979.

Council Member Hunnicutt said it had only been a few weeks since Council decided for the same thing on Stadium Drive. It was not the same type of zoning but it was a vehicle salvage business that was zoned to industrial.

Ms. Stultz said that recent decision was made for an existing business that had remained in business for a number of years. The property in question had been vacant for a number of years. Mr. Bolton was the applicant in 2017 when Council determined it should not be rezoned to I-3 or issued a special-use permit to operate an automobile salvage facility. It could be called recycled if desired but if wrecked vehicles were going to be stored on the property, it was classified as a salvage yard.

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

Council Member Nooe made a motion to deny the zoning map amendment request and adoption of an ordinance to rezone property at 1128 and 1130 Friendly Road from Residential-Agricultural to Heavy Industrial. Council Member Carter seconded the motion. Council Member Epps, Council Member Moore, Council Member Ellis, Council Member Nooe and Council Member Carter voted in favor of the motion. Council Member Hunnicutt and Council Member Hampton voted in opposition of the motion. The motion carried, 5-2.

Council Member Carter asked if the property owner could come back and reapply for a different zoning district.

Ms. Stultz said the property owner could come back and request a different zoning district but the use would remain the same.

**A RESOLUTION ADOPTING A STATEMENT OF CONSISTENCY REGARDING A PROPOSED AMENDMENT TO THE CITY OF EDEN UNIFIED DEVELOPMENT ORDINANCE CASE NUMBER Z-21-15 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 the property known as 1128 and 1130 Friendly Road from Residential Agricultural (RA) Heavy Industrial (HI);

**NOTICE OF PUBLIC HEARING**  
The public will take notice that the City Council of the City of Eden will conduct a public hearing on **TUESDAY, SEPTEMBER 21, 2021, at 6:00 P.M.** in the Eden Council Chamber at 308 E. Stadium Drive for the following purposes:  
(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. Submitted by Lawrence Matthew Hall, III, Buyer Under Purchase Agreement. Zoning Case Z-21-15  
(2) 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. Submitted by Russell and Shawn Bowers, Property Owners. Amended by the Planning Board to add 205 Boone Road. Zoning Case Z-21-16  
Persons interested in these items are invited to attend the public hearing and make comments regarding these requests.  
Comments may be made three ways: in person at the September 21 meeting (following social distancing and capacity restrictions); emailed to the City Clerk dhan@edennc.us by 5 p.m. September 21; or by phone to the City Clerk at 336-323-2119 by 5 p.m. September 21. Comments submitted by email or phone will be read at the meeting.  
Further information may be obtained from the Planning & Inspections Department at 623-2119.  
Authority: N.C.G.S. 160D-601; City of Eden Unified Development Ordinance Article 3.  
This the 1st day of September, 2021.  
**CITY OF EDEN**  
BY: NEVILLE A. HALL  
MAYOR

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

STATEMENT OF NEED:

Staff is recommending denial of the request due to the close proximity to the Smith River WS-IV Watershed and the high intensity industrial uses would not be appropriate for this property in a mainly residential and agricultural area. This property is in an area identified by the City of Eden Land Development Plan Future Land Use Map as Traditional Neighborhood. The RA district is intended to accommodate lower density residential and agricultural uses. Areas within this district may be restricted due to lack of available utilities, unstable soil types or steep slopes. The HI district is established to accommodate those industrial, manufacturing, or large-scale utility operations that are known to pose levels of noise, vibration, odor, or truck traffic that are considered nuisances to surrounding development. This district is customarily located in proximity to railroad sidings and/or major thoroughfares.

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 not consistent with the City of Eden Land Development Plan, and why the City Council considers the proposed amendment is not reasonable and is not in the public's best interest;

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

- 1. The Eden City Council finds that the proposed zoning map amendment to the City of Eden Unified Development Ordinance is not consistent with the goals and recommendations of the 2007 City of Eden Land Development Plan, as amended, since the Plan designated the area as a Traditional Neighborhood district.
- 2. At no time are land use regulations or plans of the City of Eden or any jurisdiction in the State of North Carolina permitted to be in violation of the North Carolina General Statutes.
- 3. Therefore, based upon the foregoing information, the amendments to the Unified Development Ordinance are not reasonable and is not in the public's best interest.

Approved and adopted and effective this 21st day of September, 2021.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

b. (1) Consideration of a zoning map amendment request and adoption of an ordinance to rezone the property at 121 Boone Road from Neighborhood Mixed Use to Light Industrial.

(2) Consideration of a resolution adopting a statement of consistency regarding the proposed map amendment to rezone property at 121 Boone Road.

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

Ms. Stultz said the request was to rezone approximately 4.94 acres from Neighborhood Mixed Use (NMX) to Light Industrial (LI). The NMX district was intended to provide pedestrian-scaled, higher density residential housing and opportunities for limited scaled commercial and office activities. Development in the NMX district should encourage pedestrian activity through construction of mixed-use buildings and connections to adjacent neighborhoods. Buildings in the NMX district were typically smaller in scale and detached. The LI district was intended to accommodate externally benign industrial and office uses that posed little nuisance to adjacent residential areas. The subject parcel was located on Boone Road near the Spray traffic circle and was a former industrial property, districted as I-1 when it contained a former textile mill. The property currently contained an auto repair business and an indoor recreational batting facility. The area was rezoned to NMX as part of the UDO updates, which were effective on January 1. The area was made up of various commercial and office uses. The Humane Society property adjoined the subject property and was also currently zoned NMX. There was an established single-family neighborhood to the west adjoining the subject property. The current use of the property, being an auto repair business, was not a permitted use in the NMX district. In addition, the adjoining Humane Society property housed a kennel, which was also not a permitted use in the NMX district. Both uses were considered legal non-conforming uses and would be allowed to continue to operate as grandfathered uses since they were existing businesses; however, they would lose their right to continue if they were to cease operation for an extended period of time. Staff was of the opinion that the uses were compatible with the surrounding commercial and residential uses. Staff was also of the opinion that the other types of uses allowed in the LI district would not be detrimental to the surrounding area. Therefore, staff recommended in favor of the LI rezoning request for the subject property. Staff also recommended amending the request to include the adjacent Humane Society property located at 205 Boone Road to be rezoned to LI, since the type of use was a permitted use in the LI district. The Planning Board also agreed in favor of the rezoning request.

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

Council Member Carter made a motion to approve a zoning map amendment request and adoption of an ordinance to rezone the property located at 121 Boone Road and 205 Boone Road from Neighborhood Mixed Use to Light Industrial along with a statement of consistency. Council Member Moore 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 Neighborhood Mixed Use to Light Industrial the following properties:

TRACT 1:

BEGINNING at a point in the pavement of a driveway, said point of beginning being North 9 deg. 46 min. 00 sec. West, 106.95 feet from the northwest corner of the intersection of Boone Road and Early Avenue; said point of beginning further being South 9 deg. 46 min. 00 sec. East 18.05 feet from an iron pipe which marks the original corner of the Spray Municipal Building Lot, and more particularly described in Deed Book 328 page 61; thence off said point of beginning and with the property line of the Spray Municipal Building Lot, property of Rockingham County, North Carolina, South 75 deg. 49 min. 00 sec. West, 91.92 feet to a point marked by a bolt driven in the pavement; thence South 83 deg. 12 min. 00 sec. West 78.19 feet to a point marking the northwest corner of the aforesaid Spray Municipal Building Lot; thence continuing with the property lines of the aforesaid Spray Municipal Building Lot, South 14 deg. 11 min. 00 sec. East 25.00 feet to an iron rod at the end of a brickfaced retaining wall; thence South 9 deg. 46 min. 00 sec. East 125.00 feet to

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Persons interested in these items are invited to attend the public hearing and make comments regarding these requests.  
Comments may be made three ways: in person at the September 21 meeting (following social distancing and capacity restrictions) inside the City Clerk's Office at 308 E. Stadium Drive by 5 p.m. September 21, or by phone to the City Clerk at 336-622-1110 by 2 p.m. September 21. Comments submitted by email or phone will be read at the meeting.  
Further information may be obtained from the Planning & Inspections Department at 623-1118.  
Authority: N.C.G.S. 160D-401; City of Eden Unified Development Ordinance Article 3.  
This is the 1st day of September, 2021.  
CITY OF EDEN  
BY: NEVILLE A. HALL  
MAYOR

an iron spike in the northerly line of Early Avenue; thence with the northerly line of Early Avenue, South 64 deg. 54 min. 00 sec. West 175.12 feet to a point; said point being 25 feet from the center of the existing tract of the Carolina and Northwestern Railroad, formerly the Danville and Western Railroad; thence leaving the northerly line of Early Avenue and with a new westerly boundary line which parallels more or less the center of the existing track of the aforesaid Railroad and 25 feet therefrom North 0 deg. 25 min. 19 sec. West 199.34 feet; North 0 deg. 42 min. 35 sec. West 183.69 feet; North 0 deg. 40 min. 29 sec. East 157.67 feet; North 8 deg. 27 min. 33 sec. East 135.19 feet; North 16 deg. 35 min. 37 sec. East 127.65 feet; North 20 deg. 59 min. 10 sec. East 112.59 feet; North 21 deg. 33 min. 10 sec. East 52.14 feet to a point in Tacket Branch; thence with the approximate centerline of Tacket Branch as it now exists and with the reservations recited in Deed Book 173 page 237; down Tacket Branch as it meanders; South 47 deg. 10 min. 20 sec. East, 57.88 feet; South 43 deg. 58 min. 29 sec. East 73.76 feet; South 22 deg. 45 min. 02 sec. East 92.40 feet; South 36 deg. 06 min. 56 sec. East 200.93 feet to a point in the aforesaid branch at the Bridge and in the westerly line of Boone Road; thence with the westerly line of Boone Road and paralleling the back of the existing curb more or less; South 10 deg. 41 min. 23 sec. West 18.37 feet; South 9 deg. 44 min. 39 sec. West 43.23 feet; South 19 deg. 34 min. 19 sec. West 75.27 feet; South 14 deg. 04 min. 38 sec. West, 79.27 feet; South 6 deg. 35 min. 12 sec. West 57.94 feet; South 3 deg. 52 min. 38 sec. West 73.25 feet to an iron pipe which marks the original corner of the Spray Municipal Building Lot, Property of Rockingham County and more particularly described in Deed Book 328 page 61; thence South 9 deg. 46 min. 00 sec. East 18.05 feet to the point of beginning; and designated as Parcel "A" containing 4.936 acres and more particularly shown on a "Plat of Survey for Morehead Mills, Inc." prepared by J. A. Gustin and Associates, Consulting Engineers and Land Surveyors and dated July 13, 1973. Deed Reference: Book 992, Page 1298.

The above described property being commonly known as 121 Boone Road and identified by the Rockingham County Tax Dept. as 7070-15-62-7876 and Parcel No. 106503.

TRACT 2:

BEGINNING at an iron marking the northwest corner of the intersection of Boone Road by Early Avenue; thence with the west edge of Boone Road North 09 degrees 46 min. West 106.95 feet more or less to a point on the West side of Boone Road, same being located South 09 degrees 46 min. East 18.05 feet from an iron bolt marking the northeast corner of the original "Spray Municipal Building Lot" (Deed Book 328, at Page 61); thence leaving the west edge of Boone Road South 75 degrees 49 min. West 91.92 feet to a point in the original north line of said "Spray Municipal Building Lot"; thence S 83 degrees 12 min. West 76.19 feet to a point; thence South 14 degrees 11 min. East 25 feet to an iron rod set at the northwest end of a brick-faced retaining wall and marking the northwest corner of said "Spray Municipal Building Lot" (Deed Book 328, Page 61); thence South 09 degrees 46 min. East 125 feet to an iron in the north edge of Early Avenue; thence with the north edge of Early Avenue North 64 degrees 54 min. East 174 feet to the POINT OF BEGINNING. Deed Reference: Book 1158, Page 197.

The above described property being commonly known as 205 Boone Road and identified by the Rockingham County Tax Dept. as 7070-15-62-8561 and Parcel No. 107622.

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

APPROVED, ADOPTED AND EFFECTIVE, this 21st day of September, 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 ZONING ORDINANCE  
CASE NUMBER Z-21-16 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 121 Boone Rd. from Neighborhood Mixed Use to Light Industrial;

WHEREAS, on August 24, 2021, the City of Eden Planning Board voted to recommend to the Eden City Council that the rezoning request be approved and to recommend that an additional property located at 205 Boone Road be rezoned from Neighborhood Mixed Use to Light Industrial.

STATEMENT OF NEED:

The property currently contains an auto repair business and an indoor recreational facility (batting facility). This area was rezoned to NMX as part of the UDO updates which were effective on January 1, 2021. The area is made up of various commercial and office uses. The Humane Society property adjoins the subject property and is also currently zoned NMX. There is an established single-family neighborhood to the west adjoining the subject property. The current use of the property (auto repair) is not a permitted use in the NMX district. In addition, the adjoining property (Humane Society) houses a kennel, which is also not a permitted use in the NMX district. These uses are considered "legal non-conforming" uses and would be allowed to continue to operate as "grandfathered" uses since they are existing businesses; however, they would lose their right to continue if they were to cease operation for an extended period of time. These uses are compatible with the surrounding commercial and residential uses. The Planning Board is also of the opinion that the other types of uses allowed in the LI district would not be detrimental to the surrounding area. The Land Development Plan, as amended, identifies these properties as being in a Town Center area.

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 as amended 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 21st day of September, 2021.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

REQUESTS AND PETITIONS OF CITIZENS:

*There was none at this time.*

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 7845 NC 770.

Mayor Hall called on Ms. Stultz.

Ms. Stultz said the property was located very close to the City limits and adjoined a property located inside the City limits. The owners had a sewer issue several weeks ago and based on information she received, it was an emergency situation in which they were allowed to connect to City sewer if they filed a petition for annexation. They were also required to have the property surveyed so that the City had a proper map and legal description to send to the State. The petition was deemed sufficient and staff recommended that Council proceed with the annexation process.

Council Member Ellis made a motion to adopt a resolution calling for a public hearing on the annexation petition of property located at 7845 NC 770. Council Member Epps seconded the motion. All members voted in favor. The motion carried, 7-0.

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

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

WHEREAS, the Eden City Council has by resolution directed the City Clerk to investigate the sufficiency of the Petitions at their meeting on August 17, 2021; and

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

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

Section 1. A public hearing on the question of annexation of the contiguous areas described herein will be held in the Eden City Hall in the City Council Chamber at 6:00 P.M. on October 19, 2021.

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

BEGINNING at an existing nail in the north right of way of N.C. Hwy 770, said nail marking the southeast corner for George G. Robertson and Harold M. Robertson (Deed Book 1413, page 1372); thence with the east line of Robertson, North 32 deg. 13 min. 50 sec. West 299.80 feet to an 1/2-inch existing iron pipe; thence North 57 deg. 48 min. 16 sec. East 104.91 feet to a point; thence South 32 deg. 15 min. 22 sec. East 299.91 feet, passing over an iron stake at 5.83 feet to an iron set in the north right of way of N.C. Hwy 770; thence with the north right of way line of N.C. Hwy 770, South 57 deg. 51 min. 41 sec. West 105.05 feet to the POINT OF BEGINNING, the same containing 0.723 acres as shown on a Plat of Survey for Capelli Salon Eden, Inc. by C. E. Robertson & Associates, P.L.S. dated September 8, 2021. Deed Reference: Book 1532, page 26.

The above described property being commonly known as 7845 NC 770 and identified by the Rockingham County Tax Dept. as PIN 7969-12-85-5844 and Parcel No. 133161.

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 21st day of September, 2021.

CITY OF EDEN

BY: Neville A. Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

b. Update on New Street project.

*This item was removed from the agenda.*

c. Update on the Uptown Eden Interim Work Plan.

Mayor Hall called on Ms. Stultz.

Ms. Stultz said small area plans for the traditional downtown areas were discussed in May in addition to other projects in the areas that would improve conditions and promote a more business friendly environment. A list of proposed projects was given at that time but there were updates and requests for approval from Council that were currently needed.

A. Bridge Street Parking Lot

Ms. Stultz said the wall behind the former Southern National Bank belonged to the City and it needed to be replaced. The Leyland Cyprus trees along the northern line of the parking lot needed to be removed and replaced. They had been there a long time. Citizens had voiced concerns that they were uncomfortable walking in the parking lot when it was dark due to the diminished lighting caused by the trees. Engineering staff prepared a Request for Proposal (RFP) and plans for the project. The RFP needed to be put out for bids as soon as possible in order for it to be completed before asphalt plants were to shut down for the season. Staff asked Council for permission to have the City's force account remove the wall and Leyland Cyprus trees, at an amount not to exceed \$40,000. The City's force account would also perform the asphalt patching.

Mayor Hall asked Ms. Gilley if the items needed to be voted on individually.

Ms. Gilley said it could be voted on however Council desired.

Mayor Hall said Council could vote on the items individually as not all items required action.

Ms. Gilley agreed.

Council Member Hunnicutt asked if there had been a site plan developed for the entire project surrounding the City's parking lot, as well as the Emerine parking lot. He wanted to know if the number of parking spaces allowed had been determined for both the City parking lot and the Emerine parking lot. There were five entrances and exits to the consolidated property and each one had a corridor of access. If the parking lots were to be made into one property and controlled by the City, it would appear to be much more efficient to start from scratch and establish one master plan of what it should be.

Ms. Stultz said the Engineering Department had already developed a plan for both properties. The City was not leasing the entire Emerine parking lot, but rather only 14 of their parking spaces.

Council Member Hunnicutt questioned if one master plan had been developed for the project.

Ms. Stultz said yes.

Council Member Hunnicutt asked if Council could see the master plan.

Ms. Stultz said yes and that she had intended to bring it before Council when the bids were received but she could bring them to Council before the RFP was sent out. However, that would mean the paving would not be done until the spring of 2022. She could also email the master plan to Council.

Council Member Hunnicutt said he would like to see the master plan. When he visited the downtown area, he normally parked in the back area but the entire plan appeared to him as inefficient with the way it was currently laid out. He understood that it was put together as three or four different components, but because it would be treated as one unit over the course of the term of the lease, Council should take the boundaries of it and start over with laying it out in the most efficient way.

Council Member Nooe asked Council Member Hunnicutt if he was planning on regrading the entire area because if so, the plans were likely not going to include that and they would need to go back to the drawing board.

Council Member Hunnicutt said there was another wall between the parking lot and where the rail used to be that was not serving a purpose. If that wall were to be eliminated, the parking lot could extend up to the building to create more parking spaces. As it stood, there were five locations of entering and exiting the parking lot, which was inefficient. He liked the idea and what staff was pursuing but he wanted to make sure the most efficient layout was chosen.

Ms. Stultz said staff received a memo from Mr. Mendenhall that instructed staff to go through the Engineering Department with any projects of this type, which was why they were asked to prepare the RFP. However, they would conduct any further research that Council wanted.

Council Member Nooe said he agreed with Council Member Hunnicutt that if the City were going to do pieces and parts of the parking lot, it would be better to look at it in its entirety. It may be that the wall needed to be removed and dirt brought in to extend the parking lot.

Ms. Stultz asked Council Member Nooe if he was referring to the wall between the former Southern National Bank and the City's parking lot.

Council Member Nooe answered yes.

Ms. Stultz said she believed Engineering Department staff had investigated that. She said she would share with Council the plans that had been prepared.

Council Member Hunnicutt said he was unsure how to proceed with the funding request and asked if staff was looking for funding approval at the present meeting.

Ms. Stultz answered yes and added that staff also needed approval to send out the RFP so that responses could be received in time to have the paving completed while the asphalt plants were still operating. Otherwise, the paving would not be completed until the spring of 2022.

Mr. Mendenhall said he felt the funding request should be delayed if Council were wishing to conduct a more comprehensive plan. He said it sounded like the work needed to be planned better and a more holistic comprehensive plan brought back before Council. Staff had evaluated the grading situation and the removal of the retaining wall in order to extend into the lower parking lot next to Holland & Associates, but that option was not feasible. The wall next to the railroad right-of-way was considered in conjunction with the regrading. The depth of the holistic plan would depend on how much money Council wanted to spend on the project. It would come down to the question of how far the City wanted to pursue the project, such as a tactical on the retaining wall between the existing parking lot and the former bank building's parking lot or if it should be extended further. Staff could bring back a plan that was more suited but he recommended delaying a funding request if Council desired to make a bigger plan.

Ms. Stultz agreed that if staff was going to conduct another plan, there was no reason to fund the project at the present time.

Ms. Gilley said the retaining wall belonged to the City but the wall in front of the rail building belonged to the Emerines. Therefore, anything desired to be done to that wall would need to be part of the lease negotiations with the Emerines. That was the idea of looking to see what could be done with what the City owned but she understood wanting to research it further.

Council Member Hunnicutt said he was not trying to reengineer the project but the basis for the project was the additional parking needed downtown due to increased activity and growth. He simply wanted to know if staff had conducted sufficient study in its recommendation of paving what was currently there and whether or not that was the most efficient approach to take. He would like to see what had been reviewed by the Engineering Department.

Ms. Stultz said staff would get the plan sent to Council as quickly as possible.

B. Potential for Additional Parking Spaces behind the Buildings on the South Side of Washington Street

Ms. Stultz recommended delaying the item until further study could be conducted.

C. Henry Street Parking Lot

Ms. Stultz stated that Interim Community and Economic Development Manager Randy Hunt applied for a grant to install a charging station for electric vehicles but the City did not receive the funding.

D. Henry Street Waterline Replacement and Patrick Street Sewer Manhole and Line Replacement

Ms. Stultz said the project had been completed.

E. Hotel/Ray Commons Sidewalk at the Corner of Monroe and Washington Streets

Ms. Stultz said Chief Codes Inspector Bob Vincent had a copy of the Structural Engineer's Report in regards to how the grate and stairway would be handled. The project would be managed by the property owner.

F. Alley behind Ray Commons Building – Monroe Street

Ms. Stultz said the alley would be repaved at the same time as the Monroe Street resurfacing. Director of Transportation Engineering Tammy Amos estimated the project to cost \$5,000. A question was previously asked regarding a drainage issue in the alley. After Mr. Dishmon and Ms. Amos visited the alley, it was discovered the building gutter drain was not connected to the storm drain as it had been prior to the recent renovations. The paving of the alley would be conducted at the same time that Monroe Street was paved.

G. Monroe Street – Resurfacing

Ms. Stultz said estimates had been received on the project, which would be funded with Powell Bill funds. However, the project would not be completed until after the completion of the Uptown Small Area Plan, which she hoped to present to Council by November. It would be completed in the spring of 2022 by the City's force account.

H. Monroe Street Parking Lot – Resurfacing

Ms. Stultz said the City received an estimate of \$22,000, which included edge milling and asphalt surface treatment. It was already included in the FY 2021-22 budget and would be completed when the paving for Monroe Street was done.

I. Monroe Street Parking Lot Draining Improvements

Ms. Stultz said the draining issues in the Monroe Street parking lot would be repaired when the other Monroe Street improvements were completed.

J. Washington Street Crosswalk Installation

Ms. Stultz said there appeared to be a single vendor found to complete the project. The Leaksville Merchants and Eden Downtown Development Inc. (EDDI) researched the various types of crosswalks and found there to be no difference in price for color and therefore, had a recommendation. Staff was seeking Council's approval to proceed with the project at an expense not to exceed \$35,000, which would be completed in the spring of 2022. She said if Council was not comfortable voting on the funding at the present meeting, she could bring it back before them when she presented the Bridge Street parking lot plan to Council.

In regards to the Bridge Street parking lot item, Council Member Epps said it had to be a certain temperature in order to put asphalt down and he was uncertain as to when the asphalt plants closed for the season.

Ms. Stultz said it depended on the average daily temperature. The City would not make the fall deadline for paving; thus, it would have to be a spring project.

K. Monroe Street Sidewalk

Ms. Stultz said the sidewalks on both the east and west sides of Monroe Street needed to be replaced. The project would be completed by City forces and Mr. Dishmon already had the sidewalk and drainage work on the department's schedule. However, it could not be completed until the Uptown Eden Small Area Plan was finished and the configuration of Monroe Street was chosen. The consultants had three different options, including one-way traffic and two-way traffic, that would be presented to the volunteer groups and

Council in order for a choice to be made. All options strived to include area for outside dining. She hoped to have those choices available for Council within the next few weeks.

Council Member Hunnicutt asked if that information would also be shared with the Leaksville Merchants Association and EDDI.

Ms. Stultz answered yes.

- d. Consideration of renewing a water tank maintenance agreement.

Mayor Hall called on Mr. Dishmon and Utilities Manager Melinda Ward.

Ms. Ward said a former staff member requested Council to approve cancelling the water tank maintenance contract with Suez, formerly Utility Services, at the May City Council meeting in order to look for better pricing and service options. Newly assigned staff in charge of the system were not aware of the contract cancellation and had been pleased with the services received from Suez throughout their long-term work of over 40 years with the City. Staff wanted to continue with the contract from Suez. They did not have any problems with the service received. In fact, cancelling the contract would create problems. The City was currently under a certain pay scale agreement with Suez that originated from 40 years ago. If the City attempted to bid the contract out, it would be proposed on a different pay scale at a considerably larger amount. Suez agreed to wait until staff could consult with Council on consideration of renewing the water tank maintenance contract. There were also things not previously considered as far as the maintenance on the City's three mixers and trihalomethane removal system that was currently in the City's tanks from where Suez installed it several years ago. If the City were to pursue a contract with a different company, the mixers and trihalomethane removal system would have to be removed as the City would no longer be in contract with Suez. The company was also in contract with the cell service towers, with the money disbursed to the City. It would make for an interesting situation of attempting to have that service switched over to a different vendor. The money received from the cell service towers paid for over half of the service contract in general. Considering Suez was a local company in Rockingham County, it made for better circumstances for the City. For instance, in an emergency situation, the company would be close by to respond quickly. Therefore, staff was asking Council to rescind the previous decision to cancel the water tank maintenance contract with Suez and reinstate it instead. Suez had also agreed to combine all of the contracts it held with the City and merge them into one unified contract under the same conditions. The company was even considerate enough to offer the City a 10 percent reduction for the first year.

Council Member Moore said it sounded like it would cost more money to go with a different company versus staying with Suez.

Ms. Ward agreed and said staff did not have a reason to want to change companies. Additionally, not all companies offered engineering services. While some might appear cheaper, they were not on a long-term basis.

Council Member Moore added that other companies were likely not local considering Suez was in Madison.

Ms. Ward agreed.

Mayor Hall said it looked like the City had a one-year contract with Suez and questioned if it would be better to seek a long-term contract in the hopes of achieving a better rate considering how long the City had been in business with the company.

Ms. Ward said the company operated based off of one-year contracts.

Mayor Hall said the one-year contracts appeared to be working; however, he had wondered if the company was only offering a one-year contract to enable the City to reestablish their services.

Ms. Ward said each year, an increase was added based on the consumer price index (CPI).

Mayor Hall said he was questioning if it was typically a one-year contract or if the company offered an extended term contract

Ms. Ward said that she understood it to be one-year contracts for the past 40 years. Prior to that, she was unsure as to if there was even an actual contract.

Mr. Shelton said most of the contracts were issued for a specified period of time of either three or five years but they did have a CPI increase or decrease on an annual basis. In the case of the tank contract, it had generally been conducted as a perpetual contract because there was so much involved with painting and cleaning the tanks on a recurring basis. The contract was led in such a way that the City did not have large lump sum payments for maintenance on the contract; rather, it was spread out in the repetitive one-year increments. The City's solid waste contract also had a CPI increase built into it. It was not unusual for contracts to be conducted in that manner.

Mayor Hall said he was comfortable with the one-year contract terms if staff was.

Council Member Carter questioned if the company in fact offered a 10 percent savings.

Ms. Ward replied that the company offered a 10 percent discount for the first year as a goodwill effort.

Council Member Epps made a motion to renew a water tank maintenance agreement with Suez. Council Member Ellis seconded the motion. All members voted in favor. The motion carried, 7-0.

*A copy of the water tank maintenance contract is available in the City Clerk's office.*

NEW BUSINESS:

- a. Consideration of funding application for the rehabilitation of the north basin of the Mebane Bridge Wastewater Treatment Plant.

Mayor Hall called on Ms. Ward.

Ms. Ward said the north basin of the wastewater treatment plant was built in 1967 and had not received any rehabilitation. A few years ago, the City had to rebuild its digester which was made of the same type of composition, which was sprayed-on concrete walls and concrete stabilized soil. It had begun showing signs of failure and needed repair work. Since being taken out of service, several parts of the wall had collapsed from not having water in it. Similar issues were being seen at the north basin, such as cracks and holes. One wall had even begun to slide, which resulted in an emergency repair. Staff wanted to go ahead and make the repairs before the City began seeing flow return to the system. The plant had the ability to continue work by moving everything to the south basin that had already been fixed and repaired during the upgrade in 1992. Because the City would have nutrient removal limits in the future, the idea was to strive to do improvements while fixing the basin instead of repairing it in the same manner as it currently was so that the City would have a system in place that was going to work with the changing flows while still being able to meet any new industry needs that came in. It would be an expensive project as it was estimated to cost \$12.6 million. Therefore, staff was

looking into what funds may be available to help offset the cost of the repair. Some of the money had been allocated in the 10-year capital improvement plan (CIP), but the City did not currently have funding for it. If money could be found to address the improvements, it would free up more money for the City to allocate towards other issues, which could ultimately be a benefit for other planned projects.

Mayor Hall asked if Ms. Ward was seeking approval to apply for funding.

Ms. Ward answered yes and added that staff was also seeking approval to begin looking for engineering services as some of the grants would require certain engineering documents.

Joyce French, grant administrator on the Berry Hill waterline project, stated that she began talking with former Economic Development Director Mike Dougherty and Mr. Shelton a while back regarding Economic Development Association (EDA) funding that the City might be able to take advantage of. With the American Rescue Plan Act, the EDA was interested in entertaining an application from the City for the project. They would fund up to \$5 million or 80 percent of a project's costs, but because 80 percent of the proposed project would be more than \$5 million, the maximum amount the City could receive would be \$5 million, which was a huge grant for EDA to give on one project from the Atlanta region. However, EDA had expressed interest in the project. She had also worked with Mr. Dougherty on compiling a list of industry shut downs from when COVID first started. If the City could somehow show how Eden was impacted by COVID through its industry, it would help ensure the City to have a better viewing of its application. Although Mr. Dougherty had since retired, she hoped he would be available for deciphering information he gave to her if she happened to need his assistance. There were only 300 grants projected to be dispersed nationwide, which would be for both construction and non-construction projects, ranging from \$500,000 to \$5 million. There were five or six EDA regions within the country that would be dividing up the grant funding. Most importantly, there was not a deadline of having to submit the applications but it was better to get the application in as quickly as possible as they were sent straight to the committee to be reviewed once they were received. Therefore, time was truly of the essence. In order to do proceed with the application, Ms. French stated that she needed an EDA preliminary engineering report (PER). Lots of engineering firms offered PERs but the application required the PER to be in the format and style of the EDA. An environmental review would also be submitted along with the application; there would not be an issue with getting that review quickly. Ms. French drafted an advertisement for the newspaper for procurement of engineering services for the project and she would give that to Ms. Ward. The City had to procure from the beginning to the end but the PER portion only could be presently activated. The City would not be stuck for design if it did not receive any funding and chose to cut it off at that point. The contract would be structured so that the City would not be at risk past the PER and environmental review. She had spoken with EDA representatives and while they would not give any guarantees as to who would receive funding, they did emphasize the City's application would be one they were interested in and a project they felt they could work with as they were interested in Eden.

Council Member Moore asked if the funding was free or if there was a specific percentage the City would need to pay back.

Ms. French said the \$5 million was 100 percent grant. The City would have to pay the difference as match. It would be handled just like the waterline project. She would be involved to ensure all of the rules were followed and carried out in accordance with EDA. She had been involved with grant funding for 42 years and had worked with EDA for just as long. She was comfortable with the process and happy to help guide the City through it.

Council Member Ellis asked if the application was needed by the end of October.

Ms. French said no. There was not a specific date, but if only 300 projects were going to be funded nationwide, the City might not have a chance if it did not get the application submitted as quickly as possible. The latest date the application could be submitted would be in March of 2022 but she assured Council that if the City waited until that date, it would likely only receive a grant in the amount of \$500,000 versus \$5 million.

Council Member Ellis said it sounded very promising.

Ms. French said it would not cost anything to try.

Council Member Carter made a motion to proceed with the funding application for the rehabilitation of the north basin of the Mebane Bridge Wastewater Treatment Plant. Council Member Ellis seconded the motion. All members voted in favor. The motion carried, 7-0.

Mayor Hall thanked Ms. French for her work on the Mebane Bridge Wastewater Treatment Plant project and the Berry Hill waterline project. He appreciated what she had done for the City.

Ms. French asked if the motion allowed her to proceed with engineering procurement also.

Mayor Hall answered yes as it was part of the grant proposal.

RESOLUTION TO APPLY FOR PRINCIPAL LOAN FORGIVENESS  
Mebane Bridge Wastewater Treatment Plant Aeration Basin

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

WHEREAS, the City of Eden has need for and intends to construct a new aeration basin at the Mebane Bridge Wastewater Treatment Plant to replace the existing structure. This replacement will remove a problemed basin while allowing for improved treatment of the existing flow. It will also provide more flexibility in handling any future nutrient limits from the State. The work is imperative to be completed soon in preparation for any future flow anticipated from any new industrial customers locating in the Berry Hill Regional Mega Park as well as provide for future industrial growth both in the Mega Park and Rockingham County, and

WHEREAS, the City of Eden intends to request federal and state grant, loan, and/or principal forgiveness assistance for the project to cover the estimated amount of \$12.6 million.

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

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

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

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

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

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

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

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

Adopted this the 21<sup>st</sup> day of September, 2021, at Eden, North Carolina.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

- b. Consideration of an ordinance amendment for the regulation of encroachments into or on public rights-of-way.

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

Ms. Gilley said the proposed amendment was to City Code Chapter 13, which was based on the development seen in the downtown areas. The City encountered a proposal for an encroachment into the City's right-of-way. It was anticipated that the City would begin to see more encroachment proposals as development increased. One example would be a structure's gutter system being connected to the City's storm drainage system. The City maintained the sidewalks and storm drains; thus, it had an interest into how encroachments were made. Staff prepared an amendment that would regulate the type of encroachment as the City might not want to prohibit an encroachment but rather, wanted to make sure the encroachments were conducted in the correct manner so that the City was aware of what was occurring in its rights-of-ways and could approve such. Staff was not proposing a fee for the permit but instead an approval process for general encroachments. Encroachments into rights-of-ways in the traditional downtown areas for storage structures that had zero lot lines and setbacks would be brought before Council for approval. The amendment would allow a way for the City to permit encroachments into the rights-of-ways. Therefore, staff asked for Council's approval on the amendment.

Council Member Hunnicutt asked Ms. Gilley to give some examples of such encroachments. He asked if there was a problem that led to the need for the amendment.

Ms. Gilley said the City had received one proposal for the Leaksville district where the owner was asking to connect their gutters into the City's storm drainage system right-of-way. Because it would be on the City's streets and sidewalks, staff needed to be aware of what was happening in order to determine if the City's storm drainage system was sufficient to carry the added load because there could be instances where it was not. Staff needed to be able to inspect and approve such encroachments. They were not trying to restrict the encroachment but there needed to be a process for it. As development increased, similar situations may arise. There was a section in the ordinance for excavations that involved utilities being laid in the rights-of-ways but the proposed amendment would cover private business structure additions or repairs and not just the utilities.

Council Member Hampton made a motion to approve the ordinance amendment for the regulation of encroachments into or on public rights-of-way. Council Member Hunnicutt seconded the motion. All members voted in favor. The motion carried, 7-0.

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF EDEN

BE IT ORDAINED BY THE CITY COUNCIL of the City of Eden, North Carolina, that Chapter 13 of the Eden City Code is amended to add § 13 Article VIII as follows:

§ 13-180 PERMIT REQUIRED FOR ENCROACHMENTS

It shall be unlawful for any person to build, rebuild, erect, or remove any improvement on or under any sidewalk, street or alley within the city without an encroachment permit; provided, however, that in the restoration, reconstruction, or addition to any building of a ~~historical nature~~ in a traditional down area where the City requires no setback requirements (where the City allows zero lots line setbacks), ~~in the Central Business Districts~~ shall meet the standards prescribed herein. The City Manager shall designate the appropriate department/division/office or section for the administration, enforcement, and permitting of encroachments.

(A) General Encroachments (not buildings)

(1) *Permit required.* No person shall begin to construct, reconstruct, repair, alter, or grade any sidewalk, curb, curb-cut, driveway or street or remove any tree, planting or shrub from the right-of-way thereof on the public streets without first obtaining a permit as provided in this section.

(2) *Application for permit.* An applicant for a permit required by division (A) of this section shall file with the City an application showing:

- (a) Name and address of the owner or agent in charge of the property abutting the proposed work area;
- (b) Name and address of the party doing the work;
- (c) Location of the work area;
- (d) Attached plans or description of work showing details of the proposed alteration;
- (e) Estimated cost of the alteration;
- (f) Such other information as the authority having jurisdiction shall find reasonably necessary to the determination of whether a permit should be issued.

(3) *Bond; failure to comply.* The following bonds shall accompany an application for a permit required by this section:

- (a) *Construction and maintenance.*
  - (1) In cases where the estimated cost of the project shall exceed \$5,000, a surety and/or a construction bond to be filed with the application for a permit in an amount equal to the estimated cost of the project and conditioned that such work shall be done in accordance with the city's standard specifications and guaranteeing the same for a period of 12 months.
  - (b) In any case where a permittee shall be in default or shall fail to comply with the requirements of this section, the City shall order the completion of the work by the city forces or by contract and shall recover the cost from permittee as required by law.
- (b) *Indemnity.* The City shall have the authority to require an applicant to file a bond conditioned to protect and save harmless the city from all claims for damages or injury to other persons by reason of such alteration work.

(4) *Standards for issuance of permit.* The City shall issue a permit required by this section when it is found that:

- (a) The plans for the proposed operation are acceptable;
- (b) The work shall be done according to the standard specifications of the city for public work of like character;
- (c) The operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of egress to and from the property affected and adjacent properties.

(B) Building Encroachments

It shall be permissible, upon the approval of the City Council, to make such restoration, reconstruction, or addition to encroach upon or under a sidewalk of any building located in the Central Business Districts of the city.

(1) *Conditions of Encroachment*

As a condition precedent to the City Council's issuance of any permit for such encroachment, the following requirements shall be met:

- (a) The building to be restored, reconstructed or added upon shall be located in an existing or proposed local historic district.
- (b) The right-of-way of the street upon which any such building abuts shall be at least 45 feet wide.
- (c) The encroachment shall not extend over or upon a sidewalk, including the street curbing, for a distance of greater than four feet or for more than one-third of the sidewalk width, whichever is less, nor shall the encroachment extend under a sidewalk for a distance of greater than four feet.
- (d) Prior to the submittal to City Council, detailed plans must be submitted and approved by the appropriate City department.

(2) Such encroachment upon or under any sidewalk shall constitute the owner's agreement to protect and hold the city harmless against any and all liability, cost, damage or expense suffered or sustained by the city as a result of or growing out of the encroachment upon or under such sidewalk.

APPROVED, ADOPTED AND EFFECTIVE, this 21<sup>st</sup> day of September, 2021.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

c. Discussion on Peter Hill Park Renaming.

Mayor Hall called on Council Member Carter.

Council Member Carter said Council Member Hampton had sent emails to Council concerning renaming Peter Hill Park to Ernestine Hampton Park. He felt Mr. Mendenhall's reply to the email was a great response but after contemplating on it, he felt Ms. Hampton was a lady who deserved more remembrance than just a plaque. Ms. Hampton had a key from the City and would open the park gate each morning and then return in the afternoon to lock it and did so for at least 20 years as a volunteer. She was very responsible in the area for cleaning up drugs and having trees removed from land where drug dealers were housing themselves. She had a big stake in the area. The park itself had a name, but Council Member Carter was unaware as to where the name came from. He did not know of anyone who had performed more work in the Blue Creek area than Ms. Hampton. She took great pride in the park. Ms. Stultz even worked with Ms. Hampton for numerous years on helping to clean up the area. He felt her legacy deserved more than a plaque. He was unaware of the procedure to rename the park, but if it simply required a motion and vote from Council, he wanted to make the motion to rename the park to Ernestine Hampton Park.

Mayor Hall referred to Ms. Gilley.

Ms. Gilley said Mr. Mendenhall conducted the research on the policy concerning the naming of parks. She was not sure the current discussion would follow the current policy.

Council Member Carter said he made a motion to change the policy.

Ms. Gilley said staff could look at changing the policy. She knew the reason policies were created was because a procedure had to be established or else other people would want something named after them. Therefore,

there had to be a policy that outlined why the City performed such actions. She said research could be conducted on the policy if Council wanted that done.

Council Member Carter said he would like for the policy to be researched as he had strong feelings about the matter.

Council Member Ellis agreed and said Ms. Hampton was a strong asset to the City and a light to not only the Blue Creek area, but also to Eden in its entirety. She was well known throughout the community. Her husband served as one of the first police officers for the City and her son was a district attorney. Ms. Hampton was in the political minds of many during election time as she was always someone everyone wanted to talk to. He felt like Council Member Carter's request was small compared to what had been done for others in the past.

Mayor Hall said Council needed to be careful in regards to following the policy. He did not think there would be any argument in regards to renaming Peter Hill Park, but he did believe that the policy needed to be followed. He also did not feel that a motion was needed to ask Ms. Gilley to research the policy.

Ms. Gilley said she could certainly look into the policy for Council. She stated that if Council were to vote to rename the park at the present meeting, they would be in violation of the City's policy. The better way would be to look at the policy to see if it could be amended or followed in order to reach the outcome they were desiring.

Mayor Hall said the park could be renamed with four votes but it would set a precedence if Council did not follow the policy.

Council Member Hampton said she talked to Mr. Vernon about the situation and was informed that there was a policy that required money to be paid before the park could be renamed. However, she was unaware of anyone in Eden who had raised as much money for any park as Ms. Hampton had, especially considering that she even raised money to put equipment in the park and cleaned it each day. Ms. Hampton was known for physically running the drug dealers off in addition to cleaning up what they left behind. She had a passion for that particular park because she wanted a safe park for not only the black community to visit, but for everyone. Ms. Hampton wanted visitors to view the park in the same manner that they viewed Eden's other parks in spite of the fact it was located in a low-income area. Council Member Hampton believed Ms. Hampton deserved for Peter Hill Park to be renamed after her.

Mayor Hall said Council could amend the policy. He asked Ms. Gilley to research and provide Council with some clarity and guidance as to how to move forward with the desire of Council.

Council Member Hunnicutt said he agreed and if a poll were to be taken of Council, he believed a consensus would be found in support of renaming the park.

Ms. Gilley said she would try to get the information back to Council at the October City Council meeting.

Council Member Carter said Ms. Hampton always mentioned Ms. Stultz and Mr. Dishmon and thought the world of those two City employees as she felt they always listened to her.

#### REPORTS FROM STAFF:

- a. City Manager's Report

Mayor Hall called on Mr. Mendenhall.

Mr. Mendenhall said he wanted to point out that Henry Street, Park Road, Knight Street, Taft Street and Mill Avenue were scheduled to be resurfaced in October. A lot of Powell Bill funds were spent resurfacing streets each year. He welcomed any questions related to the September City Manager's report.

Mayor Hall said he assumed citizens would receive a Code Red message on the dates regarding the resurfacing and traffic rerouting.

Mr. Mendenhall replied yes.

Mayor Hall said he wanted to highlight the Heritage & Heroes event that would take place at Freedom Park on October 16 between 10 a.m. and 4 p.m. The American Veterans Traveling Tribute to the Vietnam Wall would be present in addition to other military recognitions. He encouraged everyone to attend and advised that admission was free. 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 and available online as well.

City Manager's Report  
September 2021  
City Manager Jon Mendenhall

#### ADMINISTRATION

##### *Division of Design & Construction*

##### Street Resurfacing

The FY 2021-22 Street Resurfacing Contract No. 1 was awarded to Waugh Asphalt, Inc. on August 17. The contract includes the adjustment of utility structures, asphalt milling, leveling and the resurfacing on the following streets: Henry Street, Park Road, Knight Street, Taft Street and Mill Avenue. The work is currently scheduled to start around October 1.

##### NCDOT Street Resurfacing – Washington Street

The subcontractor for APAC Atlantic, Inc. started installing the permanent pavement markings along Washington Street with plans of having it all completed by September 15.

##### Water Main Projects Update

Since August 9, Collection and Distribution division workers have installed an additional 355 LF of six-inch diameter ductile iron water main along Bridge Street, stopping just north of the intersection with Irving Avenue. One fire hydrant assembly was installed on August 12. The crew has been working to get the new water main to pass the required hydrostatic pressure test, with the upper portion passing a test on August 27.

A crew from Haymes Brothers, Inc. assisted a subcontractor with the clearing of unopened right-of-way east of S. Edgewood Road as part of the phase two work for the SoVA MegaSite project. The crew is restarted installing the new water main on September 7.

##### *Marketing Office*

##### Grown & Gathered Recap

Our Summer Grown & Gathered dinner was spectacular! We want to send out a very special thank you to all those that did their part to make it such a magical evening. It was a bit of a challenge. Guests arrived on time and had no idea what had happened just 90 minutes prior to start time. The long elegant table along the canal was fully set and then it came – the rain. Our beautiful, fully set table for 100 was drenched! We put away what we could and then Plan B went into action. Our volunteers and fellow City employees calmly started doing their part to put it all back together. Tablecloths and napkins were taken to be dried, dishes, silverware and glasses were dried, arrangements were set out, props were set back until finally that beautiful table reappeared. It was a race against time because our guests were on the way. Amazing!

The following superheroes saved the night on August 12 along the canal at the beautiful Spray Mercantile: Travis Hutchens, Debbie Moore, Dale Warren, Jean Journigan along with Amy & Michael, Mark Bishopric and Rhonda Price. We also could not have done this event without all those special people who helped with set-up, clean-up, serving, music, bartending, flowers, posters, etc.: Chris Evans, Zachary Baumann, Paul Dishmon, Randy Hunt, Sandra Meadows, Debbie Ellis, Deanna Hunt, Johnson's Florist, Music by the Bo Clevis Project, Proper Pour, Sound by Glenn Denny and all our guests who purchased tickets! And what would the night have been without all the delicious food prepared by Jarrett Nycamp and his staff of the Blissful Palette. People are still talking about it! I simply cannot thank my team enough for all their hard work. Together we can do anything!

#### RiverFest

We have a very exciting festival planned for Friday, September 17 and Saturday, September 18 in Uptown Eden! You will find close to 100 vendors, food, live music all day, river excursions, BMX Show, Ax Throwing, Butterfly Experience, Kids Zone and so much more. Headliners are the Cat 5 Band for Friday and Jim Quick & Coastline for Saturday night. Admission and shuttles are free. Come early and plan to stay late! Bring your lawn chairs for the concerts.

#### Heritage & Heroes

Mark your calendar for Saturday, October 16 and make sure you are at Freedom Park between 10 a.m. and 4 p.m. We are going to be showcasing the American Veterans Traveling Tribute to the Vietnam Wall. This is an 80% replica of the real wall in Washington, D.C. Along with the wall, you will be able to enjoy music from the 82nd Airborne Choir and others, JROTC Drills, military vehicle display, food, activities for kids and a Veterans Speakers Tent. Admission is free.

#### Eden License Plates

You can now purchase "Eden - Small Town Big Outdoors" license tags for the front of your vehicle. The cost is \$10 per tag and they can be purchased in the Finance Department or the Marketing/Customer Service Department, both located at Eden City Hall. Display it proudly!

## PARKS AND RECREATION

#### Bridge Street & Mill Avenue Recreation Centers

These two facilities are open Monday through Thursday from 11 a.m. until 7 p.m. and on Fridays 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 while Bridge Street has tennis courts.

#### 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 weekdays 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

Mill Avenue Pool is now closed for the season while the Freedom Park Splash Pad will remain open through September 18. Hours are noon until 6 p.m. daily.

#### Special Events

A Concert in the Park/Cruz-In is set for the Freedom Park Amphitheater on Saturday, September 25 starting at 5:30 p.m. Concessions are available. Bring a lawn chair.

Sports Programs

The City's cornhole league is traveling around to the different parks and trails on Tuesdays and Thursdays. Call to find out to play (336-623-2110) or keep a check on our Facebook page. The department is also now registering for an Adult Co-ed Softball League for those ages 16 and up. This league plays Mondays and Wednesdays starting at 6:30 at Freedom Park.

The Prowlers football teams are practicing on Mondays, Tuesdays and Thursdays from 6 - 7:30 p.m. The Prowler cheerleaders are practicing on Mondays, Fridays and Saturdays.

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 September to hear evidence and render a decision on the case.

Collections

Payments received for code enforcement fees during the month of August consisted of \$467.22 from Rockingham County Tax Department and \$350 by the City.

Community Appearance Commission

The commission granted the Community Appearance Award to Reynolds Brewery.

Grants

Staff was notified by the grant consultant for CDBG Neighborhood Revitalization for the Draper area that the City could begin requesting income verification documents and schedule home inspections as soon as it could provide an Attorney's Title Opinion.

All documents for the CDBG-CV have been submitted to the N.C. Department of Commerce. The City was presently awaiting to receive the release of funds notification.

Jean Harrington Park Dedication

The Henry Street park dedication for Jean Harrington was held on August 21 at 11:30 a.m.

Inspections and Permits

Total Inspections Performed-August:	210
Total Permits Issued-August:	127

Spray Cotton Mill Local Landmark

An application for landmark designation was received and staff began working on a report for the property. Plans are to discuss the landmark at the September Historic Preservation Commission meeting and possibly submit to Council in the fall.

*Downtown and Economic Development Activities*

The Boulevard

Staff assisted the Boulevard Merchants with planning the upcoming food truck rodeo. Staff also worked with the P.I.C.K. program to locate class options on The Boulevard.

Draper

Staff met with developers who had interest in the former Draper Elementary School.

Uptown Eden

A resolution to research a roundabout was supported by Eden City Council at the August City Council meeting.

*Other*

Pedestrian Plan

A public meeting was held on August 19 in an effort to gain citizen input on the plan.

#### Planning Board

The board met on August 24 to consider:

- (1) Z-21-15 to rezone property at 1128 and 1130 Friendly Road from Residential-Agricultural to Heavy Industrial.
- (2) Z-21-16 to rezone property at 121 Boone Road from Neighborhood Mixed Use to Light Industrial. This amendment was amended to add 205 Boone Road to the proposed rezoning.

b. Report on advisory committee proceedings.

- (1) Strategic Planning Commission.

Mayor Hall called on Staff Advisor Cindy Adams.

Ms. Adams said all of the boards and commissions were asked to present a report concerning budget, work plan, and leadership. The following commission items were included in the \$175,000 budget that was approved for the Strategic Planning Commission (SPC) in FY 2021-22: (1) Up to \$20,000 for the Rockingham Entrepreneurial Assistance Program (REAP) classes for prospective and current business owners and the establishment of Service Corp of Retired Executives (SCORE); (2) \$4,000 for the Movies Under the Stars and Eden Night at the Drive-In events; (3) \$1,000 for the Morehead High School shadowing program; and (4) \$1,360 for canoe and kayak lessons with middle schoolers. Approval for \$85,000 was proposed for the Two Rivers Tubing Program, which would be presented at the October City Council meeting and was unanimously approved at the August (SPC) meeting, which left \$63,640 in the commission's budget. The concept of the community public art/mural project was recently approved by Council, but the cost was yet to be determined. To also be considered were future projects based on a priority list developed in October of 2020 at the expense of the remaining budgeted funds. In regards to leadership, Ms. Adams said members served a three-year term, at which point they could be reappointed. Members were recommended by the SPC and approved by City Council, which enabled commission members to select individuals who were involved and engaged in the interests of the commission. Officers were elected by the members each year, typically in January. Finally, the SPC would submit to the City Council in February of each year 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.

- (2) Planning Board

Mayor Hall called on Ms. Stultz.

Ms. Stultz said that all of the boards and commissions under the Planning organization, which included the Planning Board, Board of Adjustment, Community Appearance Commission, Historic Preservation Commission, and Tree Board, reviewed their ordinances and policies as part of the Unified Development Ordinance (UDO) process. All group members were appointed by the Council for four-year, staggered terms unless a new member was appointed for only the remaining time left in a term from a previous member. Staggered terms were beneficial because they provided continuity. Each of the boards and commissions elected new officers each year. The boards and commissions had specialized interests and the political appointees did a lot of work that she was proud of. In fact, there was member on the Planning Board who had served for as long as Ms. Stultz had worked for the City and was perhaps, the most active and best member of the board. She believed the policies and procedures of the boards and commissions were more than adequate. Each year, the Planning and Community Development Department compiled a work plan where staff decided what would be completed each quarter of the year, which included the boards and commissions. In the past, requests for

funding were made as part of the department's budget submission. However, the procedure changed in the current fiscal year. Therefore, Ms. Stultz asked each of her commission members to meet and make plans, including any necessary pricing, of what they hoped to accomplish during the fiscal year in order for the requests to be submitted to Council. The Historic Preservation Commission asked for \$20,000; the Community Appearance Commission requested \$6,400; the Tree Board requested \$6,500; and the Planning Board requested \$20,000, which was for the additional small area plans previously endorsed by Council but not funded. Ms. Stultz highlighted the Gus Shinn Mural project under the requests of the Historic Preservation Commission. Gus Shinn was a retired aviator from Spray who was the first person to land a plane in Antarctica. The commission also requested replacement of historic district signage due to damage, decay, and missing signs. The commission had a long-time member who was passionate about putting a sign on Ferry Road in order to acknowledge the ferry that ran across the Dan River at the east end of Stadium Drive. Staff planned to apply for a State Historic Marker at the Draper racetrack site on Gant Road in order to recognize the track's contribution to the development of NASCAR. There would be no cost for that as the State would cover the expense. The commission hoped to take members to workshops, which would cost \$500. At the first meeting Ms. Stultz attended of the commission, which was in August of 1990, discussion was held in regards to installing a fountain in the Spray traffic circle. Marianne Aiken had been a strong proponent of the concept and therefore, the commission desired to install a fountain, similar to the one at Grogan Park, in honor of Ms. Aiken. Water and electricity were already available at the site from when the traffic circle was repaired at the same time the bridge was replaced. The Community Appearance Commission requested \$200 to purchase supplies needed to continue with the Adopt-a-Street and Adopt-a-Spot programs that were established in the 1980s. Each year, plants were replaced in the downtown areas by the commission members and City staff. In order to continue with that project, \$2,200 would be needed. Placement of a "Draper" sign in the traffic island at Fieldcrest Road and Main Street at the entrance to downtown was requested at an expense of \$1,000. The commission requested \$2,000 to spend on improvements needed in the Draper and Boulevard downtown areas. The commission hoped to partner with the EDDI for a new mural in the Washington Street downtown area at an expense of \$400. A request of \$500 was made to fund the repainting of the old "Boulevard" ghost mural on Irving Avenue at The Boulevard. The commission desired to continue with fire hydrant painting and requested \$200 to fund the project. The Tree Board conducted an annual inventory in which members surveyed streets in the City for tree obstruction, but that was at zero cost to the board. The annual Arbor Day observance was a program conducted by staff at the elementary schools at no cost to the board. The board planned to continue to maintain the Tree City USA designation, which was also at no expense to the board. A request was made for \$5,000 to replace dead, damaged, or missing trees along the Highway 14 corridor that were originally planted in the early 1990s. The continuation of memorial tree planting at Freedom Park at the request of citizens and board members was desired at an expense of \$500. The board was excited to partner with N.C. Forest Service to create a storywalk along the Freedom Park Nature Trail, which would include informational markers that identified trees and other information from the N.C. Forest Service at a cost of \$1,000. Lastly, the board would partner with the Facilities and Grounds Division to identify trees on public property that needed replacing, but at an expense yet to be determined. The Planning Board's Uptown Eden small area plan was almost complete. If the \$20,000 funding request were to be approved, the Draper small area plan would be undertaken followed by the small area plan for The Boulevard. The Board of Adjustment was not requesting any funding.

Council Member Carter asked for the total cost of requests from all of the boards and commissions.

Ms. Stultz answered \$52,900.

Mayor Hall asked what type of action Ms. Stultz needed.

Ms. Stultz said the boards and commissions did not receive any funding during the current fiscal year's budget process. Upon Mr. Mendenhall's suggestion, they worked with the groups to develop a firm plan of what each hoped to accomplish and the timeline of such. Therefore, the boards and commissions were requesting the beforementioned funds.

Council Member Carter said he previously asked the Community Appearance Commission if they had a budget and he said it appeared the budgets for each board and commission were presented by Ms. Stultz.

Ms. Stultz concurred.

Council Member Epps said it was difficult to accomplish things with no money. He liked the plan Ms. Stultz presented.

Ms. Stultz said the Planning Board had not requested funding in the past other than enough to take members to conferences. The small area plans should be requested through the Planning Board considering the board was the steering committee for the comprehensive plan. The Historic Preservation Commission's largest request was for the replacement of historic district signage.

Mayor Hall asked Ms. Stultz if Council had previously approved the small area plan funding.

Ms. Stultz said Council previously approved funding for the Leaksville small area plan, but the current request was to fund the small area plans for Draper and The Boulevard.

Council Member Hunnicutt said he felt Council should pause on the funding request for the boards and commissions considering there was no money allocated for them in the current fiscal year's budget. The Strategic Planning Commission specifically requested funds, which was approved. Council needed to be working long-term to have such items presented at the annual budget retreat in order for them to be considered for the upcoming fiscal year's budget. The idea was to include the projects in the entire budget process so that committees could make their requests at the retreat. He recommended tabling the request until discussion with Mr. Mendenhall could take place to find out if there was money available to fulfill the requests.

Council Member Carter said he wanted to hear Mr. Mendenhall's thoughts.

Mr. Mendenhall reminded Council of the commission and board dinner that was held in June. The current fiscal year's budget accounted for the requested funds through contingency. The thought process of the budget message and layout of the budget for the current fiscal year was that contingency would be allocated, if needed, for the boards and commissions. He agreed with Council Member Hunnicutt's statement that the boards and commissions needed to present their requests at the annual budget retreat and part of the annual budget. There had not been a reconciliation process to bring everyone together to ensure there was no duplication or overlap. The plan presented by Ms. Stultz gave Council an idea of what was desired from the groups and could be funded out of contingency for the current fiscal year; however, it would not be good to make that a practice moving forward. Funds could be allocated to all or some of the projects in order to get the groups started while requesting them to submit the remainder or additional projects at the budget retreat in February of 2022. The intent was that the work plans and budget requests would be submitted annually, in order to provide Council with a performance measure. He added that Council Member Epps previously made a great point as it was nothing like being on a committee and not being given any leeway to accomplish great ideas, which would be a good way to ruin a good committee member. Instead, the City wanted to encourage and let people innovate and bring their ideas forward.

Council Member Hunnicutt asked if all of the committees could come together with a joint or collective budget in order for everything to be reviewed at one time as it appeared the requests were being piecemealed.

Mr. Mendenhall said Ms. Stultz presented all of the funding requests for the Planning organization boards and the last commission to submit budget requests would be the Parks Commission as part of the next item on the agenda. The requests would not have to be approved at the present meeting as Council may prefer to study on them, but the groups were instructed at the June meeting to provide Council with a work plan and any associated costs associated.

Council Member Hunnicutt made a motion to table the funding requests of the boards and commissions until at least the October City Council meeting as he preferred to see the combined total of the funding requests. He understood that a portion of the SPC's budget requests was yet to be decided.

Mr. Mendenhall said the SPC was given funding of \$175,000; thus, their requests for funding was already allocated in the current fiscal year's budget. The other boards and commissions were not funded but rather instructed to go through the current process of submitting work plans and budget requests. The SPC still had \$63,000 while the other groups did not have any allocated money to spend. All of the boards and commissions were presenting their work plans and budget requests at the current meeting, but the funding disbursement would be different for the groups.

Council Member Epps said it would be the same as Council not making any decisions because they did not have any money. The groups had ideas of things they wanted to accomplish but they were told no when they submitted their requests.

Ms. Stultz said the boards and commissions made their requests through her in the past, at which point she would submit those at the annual budget retreat. It was handled differently in the current fiscal year.

Council Member Ellis asked if that was because Mr. Mendenhall had advised to wait on the groups' funding.

Ms. Stultz said she handled it in the manner that Mr. Mendenhall asked her to.

Mayor Hall said there was a motion made by Council Member Hunnicutt to table the funding requests of the planning organization boards until the October City Council meeting. Council Member Carter seconded the motion. All members voted in favor. The motion carried, 7-0.

Council Member Carter asked if Mr. Vernon had any requests to make for the Parks Commission because he was interested in hearing about a specific item.

Mayor Hall said Mr. Vernon was next on the agenda. He called on Mr. Vernon.

### (3) Parks Commission

Mr. Vernon said the Parks Commission was composed of Parks, Recreation, Open Space, and Greenway. The commission consisted of nine members, one from each ward along with two ex-officio members. The commission was divided into three subcommittees: Facilities, Activities, and Green Space. Three members were serving on the commission under a three-year term, two members were serving under a two-year term, and two members were serving under a one-year term. The intent was to keep momentum flowing throughout the commission. The members were helping to promote the City's parks and recreation. The commission hoped to establish an Eden Athletics Program in cooperation with the Eden Boys and Girls Club, which was

something Mr. Vernon had wanted for over 40 years. The program would join together athletes from different organizations to participate and have fun, while developing skills and friendships. The cost of the program was \$70,000, but would include football, cheerleading, baseball, basketball, golf, swimming, tennis, and soccer. A second request was for \$25,000 to relocate the miniature golf course. The course would be moved to a temporary location in October due to the American Veterans Traveling Tribute to the Vietnam Wall coming to Freedom Park, but the course was not ready to be moved to a new permanent location. Lastly, the commission hoped to establish a trail at New Street Park that could be used for biking, hiking, and walking, which could potentially be funded with PART-F funds. The commission had a good group of members and appreciated having Council's support.

CONSENT AGENDA:

- a. Approval and adoption of the August 17, 2021 minutes.
- b. Approval to waive the structure burning fee for a structure located on E. Aiken Road.

Fire Chief Harden wrote in a memo that Trinity Wesleyan Church asked the Fire Department about the feasibility of burning a structure located on the church's property at 190 E. Aiken Road. The structure had been examined by a certified burn instructor and was structurally intact for a live burn training exercise. The fee for burning the structure was \$1,000, which included an asbestos test and the removal of the debris by City staff after the burn was complete. After an asbestos test confirmed the presence of asbestos, the church had it properly removed and disposed of. The tentative date for the live burn exercise was November 6 with a rain date of November 13. The structure would provide a valuable training session for the Fire Department, along with neighboring mutual aid stations Leaksville 210 and Draper 220. Chief Harden requested Council's approval to waive the burn fee for Trinity Wesleyan Church.

- c. Approval of a resolution to apply for principal loan forgiveness.

Mr. Shelton wrote in a memo that the North Carolina Division of Water Infrastructure offered a loan package to finance two major EPA Remediation projects, both of which the City previously accepted. The two projects mainly included the Junction Pump Station's rehabilitation and Junction Sewer Basin, which included the Smith River Sewer Siphon's replacement with other rehabs of sewer line assets associated with the siphon structure. The loan package previously accepted by Council was composed of two loans: one loan from the Clean Water State Revolving Fund (CWSFR) for \$2,116,609 and the second loan from Additional Supplemental Appropriations for Disaster Relief Act (ASADRA) in the amount of \$5,042,373. Both loans would have a maximum interest rate of 0.10 percent and totaled \$7,158,982. The City was eligible to apply for principal forgiveness on both loans. If available, the City could be eligible for up to \$3 million in principal forgiveness.

RESOLUTION TO APPLY FOR PRINCIPAL LOAN FORGIVENESS

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

WHEREAS, the City of Eden has need for and intends to complete various wastewater system improvement projects in order to comply with US EPA Administrative Order CWA-04-2012-4578 and provide wastewater system resiliency/asset hardening, and

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

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

Minutes of the September 21, 2021 meeting of the City Council, City of Eden:

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

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

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

That Jon Mendenhall, City Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a grant/loan to aid in the completion of the construction projects described above.

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

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

Adopted this the 21st day of September, 2021, at Eden, North Carolina.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

#### CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Eden does hereby certify:

That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City Council of the City of Eden duly held on the 21st day of September, 2021; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of September, 2021.

BY: Deanna Hunt, City Clerk

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

#### ANNOUNCEMENTS:

Mayor Hall said RiverFest was a tremendous success the past weekend. He asked everyone to give Ms. Adams a round of applause. He thanked all City staff who assisted with the event, mentioning the great job they did cleaning up as there was no evidence the following day that a festival had taken place.

Council Member Epps thanked all of the members of the boards and commissions for the service they provided to the groups, especially considering the circumstances they were in. He hoped money could be disbursed to allow the groups to complete some of the projects in their work plans.

Council Member Hampton said The Boulevard would host another Food Truck Rodeo on October 2 from 11 a.m. until 4 p.m. The Boulevard would also host an event for Halloween in October.

Council Member Carter said there would be a cruise in at Freedom Park the upcoming weekend.

Mayor Hall said there were two upcoming public meetings for the Comprehensive Plan. The first meeting would be held on September 27 from 5:30 to 7 p.m. at Jean Harrington Park on Washington Street. The second meeting would take place on September 28 from 5:30 to 7 p.m. at Grogan Park on Stadium Drive. He asked everyone to make time to attend if possible. The City's Halloween celebration would take place on October 30 from 2 to 5 p.m. at Freedom Park.

CLOSED SESSION:

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

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

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

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

ATTEST:

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