

**EDEN CITY COUNCIL
REGULAR MEETING AGENDA
November 16, 2021 at 6 p.m.
Council Chambers**

Join by zoom here: <https://us06web.zoom.us/j/97958306765?pwd=UGRTQ2t3VjgwaUNFSUZldFBNTkNFUT09>
Passcode: Council 21

1. Meeting called to order by: Neville Hall, Mayor
2. Invocation: Pastor Luke Money, Pleasant View Baptist Church
3. Pledge of Allegiance: Led by Todd Harden, Fire Chief
4. Proclamations & Recognitions
 - a. Recognition: Prowlers 8U Division 1 Champions
5. Roll Call
6. Set Meeting Agenda
7. Public Hearings
8. Requests and Petitions of Citizens
9. Unfinished Business
10. New Business:
 - a. Consideration to adopt a memorandum of understanding with Rockingham County Schools regarding the use, disposition, and future of Draper Elementary School. **Erin Gilley, City Attorney**
 - b. Consideration of a continuous improvement proposal involving Police Department camera technology. **Clint Simpson, Police Chief**
 - c. Consideration of Workplace & Employer Coronavirus Adjustments for Retention of Employees and an amended ARPA plan of reinvestment. **Tammie McMichael, Director of Finance & Personnel**
 - d. Consideration and adoption of a resolution of intent to close an alley on the east side of Bridge Street. **SC-21-01 Kelly Stultz, Director of Planning & Community Development**
11. Reports from Staff:
 - a. City Manager's Report. **Jon Mendenhall, City Manager**
 - b. Report on advisory committee proceedings:
 - (1) Strategic Planning Commission. **Staff Advisor Cindy Adams**
 - (2) Planning Organization Boards. **Staff Advisor Kelly Stultz**
 - (3) Parks Commission. **Staff Advisor Terry Vernon**
12. Consent Agenda:
 - a. Approval and adoption of the October 19, 2021 regular meeting minutes. **Deanna Hunt, City Clerk**
 - b. Approval to adjust the fee schedule pertaining to the Parks & Recreation Department. **Terry Vernon, Parks & Recreation Director**
 - c. Adoption of a Fire Services Agreement with Rockingham County. **Todd Harden, Fire Chief**

13. Announcements
14. Closed Session
 - a. Closed session pursuant to North Carolina General Statute 143-318.11 (a) (3) Legal.
15. Adjournment

CITY OF EDEN – MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL

THRU: JON MENDENHALL, CITY MANAGER

FROM: ERIN GILLEY, CITY ATTORNEY

DATE: NOVEMBER 9, 2021

SUBJECT: MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF EDEN AND
ROCKINGHAM COUNTY SCHOOLS

Staff has prepared a memorandum of understanding that will initiate a framework for a partnership between the City of Eden and Rockingham County School System regarding the former Draper Elementary School Campus. While details of the ownership, use of the building and campus have not yet been determined, the parties intend to work together in good faith to explore these opportunities. This agreement does not bind the City or Schools to any particular action but would give the Staff the authorization and the framework to develop a plan and bring this plan back to the Council and Board for final action. The memorandum gives the parties until February 1, 2022 to develop this plan.

Staff recommends that you approve this Memorandum of Understanding to give the two entities and their staff the ability to proceed with this project.

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF EDEN
AND ROCKINGHAM COUNTY SCHOOLS
TO PARTNER ON DRAPER ELEMENTARY SCHOOL FUTURE VISIONING**

This Memorandum of Understanding (hereinafter “MOU”) is made and entered into this ___ day of _____, 2021 by and between the City of Eden, a municipal corporation of the State of North Carolina (hereinafter “City”), and Rockingham County Schools, a North Carolina local education agency (hereinafter “Schools”) (City and Schools sometimes referred to herein as the “Parties”).

WITNESSETH:

WHEREAS, the City and Schools continue to support the significant and various benefits that will result from partnering together to develop a proactive, community-based vision for the Draper School (“Campus”);

WHEREAS, the City and Schools continue to work together in an effective partnership that benefits the residents of the Eden area region (“Region”) by focusing on providing equal opportunity and access to important educational, civic, community, and cultural services and events;

WHEREAS, the Parties intend for this MOU to further their effective partnership and result in their joint commitment to integrate certain services and develop a shared vision for the future use of the Campus.

NOW, THEREFORE, in consideration of the recitals set forth above, the Parties hereby agree to enter into this MOU to set forth the intentions, values, and undertakings they have agreed to in exploring the provision of integrated services and developing a shared vision for the Campus.

1. **INTENT OF MOU.** The Parties agree that the primary principles and objectives of this MOU are as follows:

- a. Partnering together on developing a shared vision for the Campus including, but not being limited to, entering into possible agreements for various real property transactions between the Parties relative to the Campus;
- b. Improving the delivery of services focusing on the various needs of the Region’s residents;
- c. Achieving a vision of greater economic value and financial returns on investments for the Region’s taxpayers;

- d. Increasing and improving the Parties' operational efficiencies whenever and wherever possible; and
- e. Establishing better services meeting a variety of needs in targeted areas such as, *e.g.*, providing resources for: retirees and seniors; pre-kindergarten children; expanded community and civic engagement; adult learners and workforce training; and a regional events space.

2. **MOU VALUES.** The Parties will continue to utilize the following shared values when evaluating, developing, and implementing a future vision for the Campus and exploring the provision of integrated public services:

- a. **Innovation** - seeking innovative and imaginative solutions to improve service delivery on a sustainable basis and reducing the costs thereof;
- b. **Challenge** – each party shall be open to being challenged by the other;
- c. **Best Fit** - adopting a “best fit” approach to service-related solutions;
- d. **Partnership** - developing a positive and effective partnership, by and through the Parties' respective governing boards, to assist each other in developing service-related opportunities and achievable solutions through third-party providers;
- e. **Accountability** – achieving accountability through delivery of agreed outcomes; and
- f. **Transparency** - making open and clear decisions and publicly demonstrating service level improvements and corresponding financial benefits.

3. **UNDERTAKINGS OF THE PARTIES.**

- a. The Parties shall work together in good faith to explore opportunities conforming to the intentions and values set forth in Sections 1 and 2 above. Any such opportunities shall preserve the rights, obligations, and duties of the Schools to complete the current academic year unhindered and unaltered, including non-academic use of the Campus, until a sufficient contractual relationship providing for the same is developed by agreement between the parties;
- b. The Parties shall continue to explore and evaluate, under their previously established framework, effective and efficient partnering opportunities, and shall develop and present actionable steps to their respective governing boards for integrating shared services and developing a future vision for the Campus.

4. **TERM OF MOU.** By operation of this paragraph, this MOU shall expire on February 1, 2022 unless extended by a writing signed by the Parties' authorized representatives.

5. **NON-BINDING AND NON-ASSIGNABLE.** The Parties agree that this MOU is non-binding and non-assignable.

6. **INDEPENDENCE OF THE PARTIES.** The Parties each acknowledge that they are separate and independent entities and that this MOU shall not be interpreted or construed as creating or evidencing any association, joint venture, partnership, or franchise relationship among the Parties or imposing any obligation or liability on each other arising out of any such status.

7. **COSTS.** Each Party is responsible for its own costs, including wages, salaries, and incurred expenses, while performing under this MOU.

IN WITNESS WHEREOF, the Parties' duly authorized representatives have caused this Memorandum of Understanding to be executed in the County of Rockingham, North Carolina this the ___ day of _____, 2021.

CITY OF EDEN

Neville Hall, Mayor

ROCKINGHAM COUNTY SCHOOLS

Kimberly McMichael, Chairperson

Clinton M. Simpson
Chief of Police



John M. Edwards
Deputy Chief

Eden Police Department

“Putting Our Community First”

To: Honorable Mayor and City Council

Thru: Jon Mendenhall, City Manager

From: Chief Clint Simpson; Captain Paul Moore; Lieutenant Anthony Welch

Date: November 9, 2021

Subject: Axon Enterprises (In Car Camera & Body Worn Camera Replacement)

The administrative staff of the Eden Police Department has been struggling to keep the Body Worn Cameras assigned to officers due to a continuing decline in the quality of the products from L3, now Safe Fleet. In 2011, cameras were installed in each patrol vehicle. This provided evidentiary value and safety to law enforcement operations. In 2016, the Body Worn Camera was incorporated and assigned to each officer on patrol. At the time, L3 Communications offered a Body Worn Camera which was supported by our In Car Camera software, server and DVD burner to archive media from in car cameras and Body Worn Cameras. Since inception, the administrative staff has been dealing with L3 now Safe Fleet to try to continue the life of service while addressing quality concerns throughout this past year and a half. Initially, the administrative staff began working on this research for the project for the upcoming budget year FY 22/23, however, during our meetings with Axon, we found that the upgrade was eligible to be purchased by utilizing ARPA funds. As a result, Chief Simpson brought this to the attention of City Manager Mendenhall for consideration.

The Eden Police Department currently uses Mobile-Vision In-car video and Body Worn Camera systems. This is a server-based system that will reach its “end of life” January 1, 2022. On this date we will no longer receive support for this system, which is required for the download, storage, management and distribution of all In-car and Body Worn Camera Footage. This information with the lack of support due to Safe Fleet purchasing L3 has put many agencies in a position to research new options for In-car cameras and Body Worn Cameras.

The Body Worn Camera system we are currently operating was deployed in July, 2020. This “batch” of Body Worn Cameras was supposed to be a new and improved camera issued by Safe Fleet. Within the first two months of operation we returned two camera

systems for repair. At this point more than half (18) of our agencies Body Worn Cameras have been returned for repair. Once a repair is requested there is an approximate one-week delay in approval for return and once they receive the camera for repair it is an additional two weeks for the return. The warranties on these camera systems expired June of 2021. From that point every camera sent for repair has been deemed unrepairable and we were given a quote for the replacement which is \$489 per system. We felt that some of these issues could have been resolved by phone with Help staff, but over the last year, Safe Fleet (parent company of Mobile-Vision) has contracted their Help Services with oversees entities which has made the troubleshooting process impossible. We are currently having to assign spare cameras to ensure each officer has a camera during their respective tour of duty.

Mobile-Vision's In-car systems have proven to be reliable products, but over half of our fleet is fielded with either the Mobile-Vision flashback II or flashback III camera systems which are no longer supported by Safe Fleet as a result of the company acquiring MOBILE Vision. We are currently fielded with 12 flashback HD systems that are still supported by Safe Fleet. These aging flashback II and flashback III systems have begun to malfunction. There is no repair available for these unsupported systems leaving only the option of replacement at a cost of \$5,125 per system.

Over the past year we have researched Body Worn and In-car camera systems that are trending in police agencies across the United States. During this time, we spoke with officers and Administrative staff with New York City PD, Concord PD, Greensboro PD, Reidsville PD, and the Rockingham County Sheriff's Office all who use Axon camera systems. The consensus was that every agency we spoke to that utilized Axon camera systems gave great reviews. We then met with an Axon sales team who presented a bundle package that included Body Worn Cameras, Tasers, and a technology package. Chief Frank Moore of Stoneville police Department also attended this meeting and demo. The Stoneville Police Department is currently in the same position concerning their in car and Body Worn Camera's.

This package offers cutting edge technology in its dependable Body Worn cameras with GPS tracking, Fleet In-car Camera Systems, Taser 7, and a professional license of Evidence.com which would cut cost of downloading media to a DVD or thumb drive and provide direct access to the district attorney's office through a secure link, just as the Rockingham County Sheriff's Office. The bundle is priced on a five-year contract. Each piece of equipment being fully warrantied at no cost through year five with full replacement when needed for damage, theft or loss. At the end of contract year three, all equipment is replaced with the latest version available through Axon at no cost. This actually extends the warranty of the hardware to seven years from contract start date. We have selected the base package offered by Axon for their Fleet camera systems, yet the systems come with the artificial intelligence technology capable of becoming an automated license plate reader with a plan upgrade, if we wished to add this technology in the future.

The Evidence.com Professional License operates as the officer's link to Axon's cloud-based storage for video. With Evidence.com Eden Police Officers will have the technology to upload/download photographs, video and reports to a case file management system to share the case file with the District Attorney's Office. There is a Citizens App that an officer can send to victim or witness where they can attach audio/video files from their phone, laptop, or ring device which would make the collection of evidence more efficient and timely. Investigators would be able share video and photographs with other agencies as they work in partnership to attack criminal activity. It also provides the technology to redact faces when juveniles or sensitive information needs to be removed. Thus, providing the Eden Police Department cutting edge technology and increasing efficiency within our organization.

This would also provide equipment for the long range plan for IT Director Kevin Taylor for MDT Mobile Data Terminals (in Car Computers). The fleet camera system offered by Axon includes the Cradlepoint mobile router. The Cradlepoint mobile router will allow for more reliable network coverage inside the city. In addition, the Cradlepoint mobile router offers GPS for AVL integration and location tracking to provide current and historic vehicle location.

The In-car and body worn camera's utilized in law enforcement today provide evidence collection by video of the incidents officers respond too, but most importantly it provides transparency during our interactions with the public. Video Camera footage from in car and body worn cameras has become a necessity in the prosecution of criminal cases.

Axon Enterprises has provided a quote in a bundle package. This package would replace all existing Tasers assigned within the Eden Police Department. Axon Enterprises has agreed to purchase all our currently assigned Tasers for \$238.50 for a total of \$8,109. As part of the bundle package, the Eden Police Department would be issued the most up to date Taser 7. The Taser 7 and provided holster, will provide the most up to date technology available. This updated technology would activate all Axon body worn camera within approximately 40 feet when the Taser is drawn. This would provide video of the incidents that rapidly evolve leaving no time for manual activation of the camera. This automatic activation would not only activate Eden Police Officer's Body Worn Cameras but would also activate adjoining agencies that utilize Axon body worn cameras. This technology would provide multiple views of an incident. This bundle package would also provide side arm signaling device which would also activate all cameras within 40 feet when the officer's duty weapon is drawn. This technology would prevent human error and activate camera systems during critical incidents to ensure video evidence is collected. This would be a tremendous benefit during incidents that escalate oftentimes in a manner of seconds.

I know this is a lengthy proposal and there are many additional positives to our agency transitioning to Axon Enterprises. We have tried to highlight the most important. We have also attached an executive summary from Axon Enterprises which provides specific details and highlight some of the current technology versus the technology we currently utilize.

In the FYI 2021-2022, it is budgeted to replace ten existing Tasers in accordance with the existing replacement plan. The budgeted amount to replace 10 Taser's was \$12,515. If allowed to proceed this would not be utilized.

We would request allocating funding for the Axon Enterprises proposal. This proposal would add \$119,606.32 per year in contracted services for the next five years. The total for the five year period would be \$589,030. This would provide all new Taser's, in car camera's and equipment associated with the transition. The package price also includes unlimited cloud storage for all media and recordings. We understand that this is a costly request however in today's time this is a necessity for law enforcement agencies to provide transparency to the citizens we serve.

5-YEAR QUOTE SUMMARY

Eden Police Department

Axon Enterprise, Inc.
17800 North 85th Street
Scottsdale, AZ 85255

Main Contacts:

Axon:
Jim Murgillo
585-230-8697
Jmurgillo@axon.com

TASER:
Griffin McKean
(480)-447-8703
gmckean@axon.com



CORE+ (Axon portion)

Eden Police will be receiving:

Hardware:

- (34) Upgraded body-cameras Delivered in Year 1
- (2) Eight Bay Docksdelivered in Year 1
- (34) Signal Vehicle Units – includes installation of them
- (34) Signal Sidearm Units (firearm)

Software

Complete your case with a powerful case management experience, including bulk actions, access controls, and automated suggestions. And save time with efficiency tools like redaction studio, streamlined categorizing, tagging, and case building.

- (34) Unlimited Licenses
- Multi-Cam Playback, Redaction Studio, and Device Analytics for Every User
- Unlimited Storage for Every User in Evidence.com
- GPS Location for Every Officer while Recording (Respond)
- Auto Tagging for Every User

Warranties and Equipment Refresh:

Automatic refresh every 2.5 years for Body Cameras. Minimizing the chance that an officer goes on duty without a camera, includes on-site spare units, as well as an extended warranty at no additional cost through the life of the agreement. Not only protecting your agency today but ensuring it will stay protected in the future.

- 5 Year Warranty on All Axon Devices
- (34) of the Latest Cameras at Year 3 and Year 5
- All New BWC Docking Stations with Each Camera Refresh

Program Products & Features:

What is TAP?

The Technology Assurance Plan (TAP) is a service plan that combines warranty coverage on your Axon body cameras with automatic refresh units every 2.5 years. Minimizing the chance that an officer goes on duty without a camera, TAP includes on-site spare units, as well as an extended warranty at no additional cost through the life of the agreement. TAP not only protects your agency today—it ensures it will stay protected in the future.

Axon Respond

Axon Respond is a real-time operations platform which integrates real-time situational awareness and unified communications within a modern incident management solution. Harnessing data from sensors in the field, public safety agencies are empowered to know before it's voiced and rapidly coordinate responses with a unified communications platform. This drives faster response times, safer officers and communities as well as the optimal deployment of limited resources.

Axon Signal Sidearm

The Core+ package includes Axon Signal Sidearm – a smart sensor that attaches to an officer's holster. The Signal Sidearm sensor uses Axon Signal technology to trigger Axon body-worn cameras within range to start recording automatically when an officer's weapon is drawn.

Axon Signal Vehicle

Enables events like opening the car door or activating the light bar to alert your cameras to start recording. Ideal for cars, SUVs, and motorcycles.

Auto Tagging

Auto-tagging takes information from your computer-aided dispatch and records management system and ties it to your videos on Axon Evidence. Auto-tagging automatically tags incident ID, category, location and other tags to videos automatically. It avoids the misspellings and incomplete information of manual entry. Auto-tagging requires minimal involvement from agency IT staff and no need to involve CAD or RMS providers. Having this feature saves about \$200 per officer per month in productivity costs.

Fleet 3 Executive Summary:

Eden Police will be receiving:

(31) Fleet 3 Package inclusive of

- Two-camera system with Dual-View Camera and Interior Camera
- Hub for storage, control and upload
- Cradlepoint router kit and configuration services
- Hardware refresh at 5 years (Technology Assurance Plan/TAP)

Fleet 3 Overview:

/ DUAL-VIEW CAMERA

Panoramic video camera captures clear video evidence, and 4k ALPR camera with edge AI processing covers 3 lanes of traffic

/ INTERIOR CAMERA

Capture from below occupant's knee to above their head, with color in well-lit conditions and infrared illumination for night view

/ FLEET HUB

Includes secure solid-state storage, wireless communications, and garage- and tunnel-friendly location system. Footage is uploaded even without the MDC over LTE or Wi-Fi

/ FLEET DASHBOARD APP

One simple interface for ALPR alerts, camera control, preview and tagging of evidence, and zoom

/ WIRELESS ACTIVATION

Compatible with Axon Signal, which activates cameras based on certain events including light bar activation, speed threshold, and other configurable triggers

/ BWC PAIRING & UPLOAD

Pairs wirelessly with any Axon body camera, and router connection can upload footage wirelessly

/ VIDEO RECALL

Retains last 24 hours of video for each camera so critical footage can be retrieved remotely and no evidence is missed

/ MULTI-CAM PLAYBACK

Watch up to four in-car or BWC videos recorded at a scene using Axon Evidence, with videos automatically associated based on device proximity

**Autonomy to add Automatic License Plate Reader Software and GPS/LiveStreaming Capabilities at anytime

CORE+ (Taser portion)

Eden Police will be receiving:

- (34) TASER 7 devices with 5-year extended warranties
- (40) TASER 7 batteries. Rechargeable and 5-year extended warranties
- (34) TASER 7 Holsters
- (1) TASER 7 docking stations with 5-year extended warranty
- (28) training cartridges per device over a 5-year period.
 - Year 1 – (4) Live close quarter, (4) Live standoff.
 - Year 2 – (2) Live close quarter, (2) Live standoff
 - Year 3 – (4) Live close quarter, (4) Live standoff.
 - Year 4 – (2) Live close quarter, (2) Live standoff
 - Year 5 – (2) Live close quarter, (2) Live standoff
- (6) live cartridges delivered upfront per device. All cartridges shot while on duty are replaced at no cost.
 - Year 1 – (3) Live close quarter and (3) Live standoff.
- (34) inert cartridges of each angle (Close Quarter and Standoff) to help with muscle memory and training
- (1) TASER 7 targets and frames
- (1) Total CEW Instructor Course Vouchers
- (34) Axon Academy licenses for online training content for Officers
- (34) Evidence.com licenses for each device

Taser 7 Overview:

OUR BEST TASER DEVICE EVER

TASER 7 is central to our vision of making the bullet obsolete. With an emphasis on de-escalation, officers can alert subjects to the presence of a TASER 7 CEW, draw it, display its lasers and arc the device. Should intervention be required, the device is often the best option officers have to protect themselves, colleagues, the public – and suspects too. Some of the new or enhanced benefits include:

/ COMPENSATING FOR CLOSE PROBE SPREADS

We first introduced ‘Adaptive Cross Connect’ in the TASER X2 device. It’s been completely revamped for the TASER

7, with the device including an algorithm to check and recheck the strength of the various connections between positive and negative probes. This ensures that if an officer has a close probe spread in the first discharge, and the same happens with the second two darts, the device will optimize delivery of the pulse – based on the best balance of positive and negative charge – across the greatest possible spreads.

/ DISCHARGING WITH GREATER POWER AND ACCURACY

A new probe design sees the body of the dart house the wire, with a center-tapped nozzle spiraling the dart to fly straighter and with greater stability to stay on target. Packing the probe

with the wire also ensures that it flies 28% faster and impacts with double the kinetic energy to better penetrate thick clothing.

/ OPTIMIZING IMMOBILIZATION

By accelerating electrical pulse delivery and delivering pulses with greater frequency per second, the TASER 7 device can achieve more effective full-body lock-up for complete immobilization.

axon.com/taser-7

/ IMPROVING CLOSE-QUARTER PERFORMANCE

The TASER 7 device delivers a 93% increased probe spread at close range (where over 80% of deployments happen, according to agency reports).

/ IMPROVING AIM

A bright green laser helps officers target with greater accuracy, even in sunlight.

/ AN ATTENTION-GRABBING WARNING

A much louder warning arc – accessed by a large, ergonomically-positioned switch – catches attention and helps officers better pacify suspects and defuse situations.

/ TAILORING PERFORMANCE TO INCIDENTS

Officers can choose between stand-off and close-quarters cartridges. The cartridges load using the same fluid and instinctive motion familiar to users of the TASER X2 device. We've also added an innovative connecting configuration, allowing two cartridges to be loaded at once.



PRODUCTS AND SERVICES

ELIGIBILITY AND JUSTIFICATION LANGUAGE¹ INTERIM FINAL RULE - CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

This document provides eligibility and justification language for Axon products and services under the American Rescue Plan Act of 2021 (“ARPA”) based on an interim final rule entitled Coronavirus State and Local Fiscal Recovery Funds, proposed by the US Department of the Treasury (“Treasury”) on May 17, 2021.² The 60-day comment period on the interim final rule ends on July 16, 2021.

The interim final rule implements statutory conditions on the eligible uses of the Fiscal Recovery Funds grants, and addresses the payment of those funds, the reporting on uses of funds, and potential consequences of ineligible uses.

/ STATUTORY AUTHORITY FOR FISCAL RECOVERY FUNDS (“FRF”)

Section 9901 of ARPA amended Title VI of the Social Security Act (the “Act”) to add section 602, which establishes the Coronavirus State Fiscal Recovery Fund, and section 603, which establishes the Coronavirus Local Fiscal Recovery Fund (together, the “Fiscal Recovery Funds”). The Fiscal Recovery Funds are intended to provide support to state, local, and tribal governments (together, recipients) in responding to the impact of COVID–19 and in their efforts to contain COVID–19 on their communities, residents, and businesses. The Fiscal Recovery Funds build on and expand the support provided to these governments over the last year, including through the Coronavirus Relief Fund (CRF).

/ APPLICABLE ELIGIBLE USE OF FUNDS CATEGORY

ARPA established four eligible use of funds categories. Axon’s products and services fall under ARPA’s Eligible Use Category 3: provide **government services** to the extent of eligible governments’ revenue losses.³

Section 602 and section 603 contain the same eligible uses; the primary difference between the two sections is that section 602 establishes a fund for States, territories, and Tribal governments and section 603 establishes a fund for metropolitan cities (population of 50,000 or greater), non-entitlement units (NEUs) of local government (cities with a population of less than 50,000), and counties.

The information provided herein is publicly available, is provided for general informational purposes, and does not, and is not intended to, constitute legal advice. Please contact your attorney to obtain advice with respect to any particular legal matter.

²Coronavirus State and Local Fiscal Recovery Funds. 86 Fed. Reg. 26786 (proposed May 17, 2021) (to be codified at 31 CFR Part 35). See 86 Fed. Reg. 26786.

³American Rescue Plan Act of 2021, §§ 602(c)(1)(C) and 603(c)(1)(C).

⁴Coronavirus State and Local Fiscal Recovery Funds. 86 Fed. Reg. 26786 (proposed May 17, 2021) (to be codified at 31 CFR Part 35). See 86 Fed. Reg. 26787.

/ GOVERNMENT SERVICES AS DEFINED BY ARPA INCLUDES PUBLIC SAFETY

Sections 602(c)(1)(C) and 603(c)(1)(C) of the Act provide recipients with broad latitude to use the Fiscal Recovery Funds for the provision of government services. **Government services** can include, but are not limited to, maintenance or pay-go funded building of infrastructure, including roads; modernization of cybersecurity, including hardware, software, and protection of critical infrastructure; health services; environmental remediation; school or educational services; and **the provision of police, fire, and other public safety services.**⁵

/ NO STATE CONDITIONS ON FRF FUNDS TO LOCAL GOVERNMENTS

The Treasury will disburse Fiscal Recovery Funds directly to counties and metropolitan cities (i.e., cities with a population of 50,000 or greater). Section 603 requires Treasury to allocate and pay Fiscal Recovery Funds to the States and territories and requires the States and territories to distribute Fiscal Recovery Funds to cities with a population less than 50,000 (i.e., Non-Entitlement Units (“NEUs”)) based on population within 30 days of receipt unless an extension is granted by the Secretary of the Treasury. Because the statute requires States and territories to make distributions based on population, **states and territories may not place additional conditions or requirements on distributions to NEUs**, beyond those required by ARPA and Treasury’s implementing regulations and guidance.⁶

/ FRF ELIGIBILITY DATE - BEGINNING

The interim final rule permits funds to be used to cover costs incurred beginning on March 3, 2021.⁷

/ FRF ELIGIBILITY DATE - END

Treasury is interpreting the requirement in section 602 and section 603 that costs be incurred by December 31, 2024, to require only that recipients have **obligated** the Fiscal Recovery Funds by such date.⁸

/ DISBURSEMENTS IN TWO TRANCHES TO LOCAL GOVERNMENTS AND CERTAIN STATES

Section 603 of the Act provides that the Treasury will make payments to local governments in two tranches, with the second tranche being paid 12 months after the first payment. In addition, section 602(b)(6)(A) (ii) provides that Treasury may withhold payment of up to 50 percent of the amount allocated to each State and territory for a period of up to 12 months from the date on which the state or territory provides its certification to the Secretary of the Treasury.

The Secretary has determined to provide in this interim final rule for withholding of 50 percent of the amount of Fiscal Recovery Funds allocated to all States (and the District of Columbia) other than those with an unemployment rate that is 2.0 percentage points or more above its pre-pandemic (i.e., February 2020) level. For the list of states, see [Coronavirus State Fiscal Recovery Fund Split Payments to State Governments](#). US Treasury. May 10, 2021.

⁵See id. 86 Fed. Reg. 26801.

⁶See id. 86 Fed. Reg. 26814.

⁷See id. 86 Fed. Reg. 26811.

⁸See id. 86 Fed. Reg. 26811.

⁹See id. 86 Fed. Reg. 26812.



CITY OF EDEN
OFFICE OF CITY MANAGER

MEMORANDUM

TO: Honorable Neville Hall, Mayor and City Council

FROM: Jon M. Mendenhall, City Manager

SUBJECT: Workplace & Employer Coronavirus Adjustments for Retention of Employees – November 2021 Council Agenda Item

DATE: 11/10/21

ENCL: Authorization Resolution
Ordinance Amendment
Budget Amendment

CC: Clint Simpson, Assistant City Manager
Tammie McMichael, Finance & Human Resources Director

Reliant on its employees to serve the public and in recognition of the collective efforts of such public service during the COVID-19 pandemic and subsequent disruptions in supply chains and labor markets City Administration desires to recognize the contributing service of employees to the health, safety, and welfare of the residents that the City of Eden serves. This recognition is proposed to address three categories: 1) compensation, 2) health insurance, 3) workplace climate.

Compensation

- Premium Pay

On October 13, 2021 the Social Security Administration announced a 5.9% cost of living adjustment. Since this announcement City Administration has been studying how to provide for employees due to increased cost of consumer goods due to inflation. The City intends to provide a 7% prospective pay premium effective the first payroll in December 2021 paid pro-rata each pay period. A 1% COLA was set to go into effect the first payroll in January 2022, but will now be rolled into and a part of the 7% prospective pay premium effective in December 2021.¹

- Retrospective Premium Pay

In recognition of essential worker sacrifices during the height of the COVID-19 pandemic City Administration proposes a one-time \$1,000.00 per fulltime employee and a one-time \$500.00 per part-time employee retrospective premium pay to employees employed on July 1, 2021 to be paid in a lump sum effective the first payroll in December 2021.

Health Insurance

In recognition that COVID-19 impacts on personal health have, during the course of the pandemic, disproportionately impacted individuals with underlying health conditions and the

¹ Pay increases proposed shall not be additive except that the minimum increase shall not fall below 7%.

elderly and in light of these impacts as well as the unknown health consequences associated with a positive COVID diagnosis City Administration proposes the following health insurance improvements:

- Free Tele-Doctor Primary and Specialty Care available to health insurance plan eligible employees – using Teladoc’s healthiest-you integrated health care system access to general medicine, dermatology, neck/back, nutrition, mental health, and second opinions will be made free of charge to employees.
- Highly Encouraged Health Management for Persons with Underlying Health Conditions required of health plan enrolled employees – using Teladoc’s whole person management system all individuals with underlying chronic conditions will be managed at City cost.
- Prescription Drug Management required of health plan enrolled employees – using Optumrx hard to find, discontinued, and particularly pricey prescription drugs will be managed under an orphan drug program. Also using Optumrx Opioid risk management will be implemented to manage opioids prescribed to employees.
- Healthcare for Retirees

In recognition of the incidences whereby those bearing the brunt of COVID-19 negative health consequences include the elderly, those with underlying medical conditions, and those essential workers exposed to COVID-19 as part of their essential employment; City Administration proposes the extension of health care benefits to employees under the previous retiree health insurance coverage.

- Alignment of City’s self-funded health plan with Title XXVII of the Public Health Service Act

The City plans to make certain plan declarations and opt-outs while remaining in compliance with Title XXII of the Public Health Service Act.

Workplace Climate

- Living Wage for All Employees

City Administration proposes that a living wage be paid to all employees either fulltime or part-time; accordingly, the pay plan will be adjusted.²

The federal poverty level is \$24,300 while the City’s lowest pay grade starts at \$23,597, by using living wage calculations for a single adult with no children, the estimated living wage for Rockingham County is \$13.08 per hour or \$27,206.40. City Administration proposes that the starting wage be no less than \$12.62. With standard probationary increases after successful completion of the mandatory probationary period the effective living wage would be \$13.25 per hour.

² Pay increases proposed shall not be additive except that the minimum increase shall not fall below 7%.

- Supplemental Retirement Expansion

City Administration proposes that all employees be given the option to enroll, at the cost of the employee, in a 457 deferred compensation plan. The City will not match or contribute to this plan; however, employees (at their option) may make contributions.

- Employee Workout Space

City Administration proposes to renovate the employee workout space to add air conditioning, better lighting, and to modernize this space to encourage exercise as part of employee health and wellness.

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 § 10-6.3 of the Eden City Code is amended to read as follows:

§ 10-6.3 RETIREE LIFE, HEALTH AND DENTAL INSURANCE.

(A) *Life Insurance.* At its sole expense, the city will provide group life insurance for its retired employees' with an established death benefit.

(B) *Health And Dental Insurance.*

(1) An employee retiring on or before November 20, 2001, may, by paying 100% of the premium for the coverage, participate in the city's group health and hospitalization program so long as the city's contracts with its insurers permits such participation.

(2) An employee retiring on or after November 21, 2001 but before August 29, 2009 must retire under the North Carolina Local Government Retirement System and draw or currently be eligible to draw benefits from the system in order to qualify for payment of all or part of the health care and dental care insurance premium. Retirement system regulations on eligibility for retirement govern eligibility for the program. The city will pay the premium for the coverage based on the policies established by the Council, subject to change. The following schedule will be in effect until changed for employees retiring within the dates of this subsection:

<u>Years of Service</u>		<u>Individual Premiums</u>	
<u>At least</u>	<u>No more than</u>	<u>City pays</u>	<u>Employee pays</u>
25 years	30 years	75% or up to a maximum of \$ 412.50 per month, whichever is less	25% or the remaining cost, whichever is more
30 years		100% or up to a maximum of \$550 per month, whichever is less	0% or the remaining cost, whichever is more

(3) An employee retiring on or after August 29, 2009 must retire under the North Carolina Local Government Retirement System and draw or currently be eligible to draw

benefits from the system in order to qualify for payment of all or part of the health care and dental care insurance premium. Retirement system regulations on eligibility for retirement govern eligibility for the program. The city will pay the premium for the coverage based on the policies established by the Council, subject to change. The following schedule will be in effect until changed:

<u>Years of Service</u>		<u>Individual Premiums</u>	
<u>At least</u>	<u>No more than</u>	<u>City pays</u>	<u>Employee pays</u>
20 years	25 years	50% or up to a maximum of \$ 275 per month, whichever is less	50% or the remaining cost, whichever is more
25 years	30 years	75% or up to a maximum of \$ 412.50 per month, whichever is less	25% or the remaining cost, whichever is more
30 years		100% or up to a maximum of \$550 per month, whichever is less	0% or the remaining cost, whichever is more

APPROVED, ADOPTED AND EFECTIVE, this _____ day of November, 2021.

CITY OF EDEN

By: _____
Neville Hall, Mayor

ATTEST:

Deanna Hunt, City Clerk

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDEN WORKPLACE &
EMPLOYER CORONAVIRUS ADJUSTMENTS**

WHEREAS, the City Council recognizes that the citizens of Eden have been reliant on the City employees during the COVID-19 pandemic to serve the public with essential services, and that City employees are continuing to contribute to the health, safety and welfare of the public in their daily work, dealing with disruptions in supply chains and labor markets; and

WHEREAS, The City Council desires to provide recognition for this public service effort by addressing the compensation, health insurance and workplace climate of its employees; and

WHEREAS, THE city Manager Has prepared a Memorandum entitled Workplace & Employer Coronavirus Adjustments for Retention of Employees, attached and incorporated hereto; and

WHEREAS, the City desires to utilize a combination of general fund revenue and government provided relief funds, including Recovery Funds of the American Rescue Plan Act of 2021 (ARP/CLFRF) where applicable and subject to all its legal requirements to fund these expenditures; and

WHEREAS, the City of Eden desires to comply with all federal and state legal requirements including those of the NC Local Government Budget and Fiscal Control Act and ARP/CLFRF and desires to amend the FY 2021-2022 Budget as required to accomplish this; and

WHEREAS, City Council desires to authorize the appropriate City Staff to execute the intentions of this Resolution; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Eden as follows:

1. Based upon the requirements of ARP/CLFRF, the City Manager shall adopt a written policy that implements a Premium Pay Program that complies with all ARP/CLFRF re including the federal Uniform Guidance (UG), 2C.F.R.200;

2. According to his attached memo and in his discretion, The City Manager shall adopt a revised pay classification plan that implements a 7% prospective pay premium to be paid pro-rata each pay period and a retrospective pay in the amount of \$1,000 for full time employees and \$500 for part time employees. The 1% COLA that was set to go into effect in January 2022 will be rolled into and a become a part of the 7% prospective pay premium. The pay plan shall also be revised to reflect a living wage, with the starting wage for either full time or part time employees be no less than \$12.62, increasing to \$13.25 per hour after successfully completed probationary periods. These shall be effective December 2021.

3. Staff will prepare a Budget amendment for Council's action, reflecting the appropriate amount of ARPA/CLFRF grant funds being transferred from the project ordinance to the appropriate General Fund and Water and Sewer Fund appropriations.

4. Staff will prepare a Budget amendment for Council's action, reflecting the appropriate amount of fund balance funds being transferred to the appropriate General Fund and Water and Sewer Fund appropriations.
5. Staff will prepare changes to the health insurance plan at set forth in the attached memo prepared by the City Manager.
6. Staff will prepare an Ordinance amendment to Chapter 10 6.3 for City Council action, extending retiree health and dental insurance according to the terms of the ordinance to any employee hired after April 17, 2018.

APPROVED, ADOPTED AND EFFECTIVE this 16th day of November, 2021.

CITY OF EDEN

By: _____
Neville Hall, Mayor

ATTEST:

Deanna Hunt, CMC
City Clerk

CITY OF EDEN
BUDGET AMENDMENT # 1
2021-2022

Section 2 of the General Fund Budget ordinance is amended to increase appropriations as follows:

10-4120	Administration	20,800
10-4130	Finance/Human Resources	14,400
10-4135	Marketing & Customer Service	8,900
10-4145	Information Technology	8,200
10-4190	Facilities & Grounds	15,500
10-4310	Police	111,700
10-4340	Fire	40,300
10-4350	Engineering	9,900
10-4510	Streets	40,200
10-4710	Solid Waste	20,900
10-4910	Planning & Community Development	17,700
10-6120	Recreation	39,600
10-6920	Fleet Maintenance	12,400

Section 3 of the General Fund Budget ordinance is amended to increase transfers in and fund balance appropriated as follows:

Transfer from ARPA Fund	310,100
Fund Balance Appropriated	50,400

Section 6 of the Water & Sewer Fund Budget ordinance is amended to increase appropriations as follows:

30-7110	Water Resources	16,400
30-7115	Billing & Collections	7,300
30-7120	Water Filtration	16,800
30-7125	Collection & Distribution	29,300
30-7130	Water Reclamation	19,300

Section 7 of the Water & Sewer Fund Budget ordinance is amended to increase transfers in as follows:

Transfer from ARPA Fund	89,100
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ARPA Fund Budget ordinance is amended to decrease appropriations as follows:

ARPA Expenditures	399,200
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ARPA Fund Budget ordinance is amended to increase transfers out as follows:

Transfer to General Fund	310,100
Transfer to Water & Sewer Fund	89,100

Adopted this the 16th day of November, 2021.

Attest:

Neville Hall
Mayor

Deanna Hunt
City Clerk



Planning and Community Development Department

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

MEMO

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Kelly K. Stultz, AICP, Director
Subject: **Resolution of Intent to Close
An Alley on the east side of Bridge Street**
Date: November 3, 2021

The City has received a request from Robert G. Shropshire and wife, Kim S. Shropshire, to close an alley on the east side of Bridge Street. Attached you will find the petition, Staff Report, Resolution of Intent to Close an Alley on the east side of Bridge Street, and a map showing the proposed closing. A motion to adopt the resolution and call a public hearing is in order.

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



PETITION

TO CLOSE STREET OR ALLEY

Date Filed 9/17/2021

Application No. SC-21-01

Mayor and City Council
City of Eden
Eden, NC 27288

(I)(We) the undersigned, being owner(s) of real property adjacent to the (street) (alley) as shown by sketch and described on the attached sheet to hereby petition the City Council to permanently close said (street) (alley):

SIGNED:

MAILING ADDRESS

Robert G. Shropshire
Kim S. Shropshire

Business Scotty's Carpet and
Oriental Rug Service Inc.
636 Boone Road
Eden, NC 27288
Phone: 336 627 7288

Home 632 Creeknidge Drive
Eden, NC 27288

INSTRUCTIONS:

Each petitioner must sign the petition.
If any petitioner is married, the spouse must also sign.

A copy of each deed must be submitted with the petition. A fee of \$600.00 must be submitted with each petition.

CITY OF EDEN
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
STREET CLOSING REPORT
October 18, 2021

CASE NUMBER: SC-21-01

APPLICANT: Robert G. Shropshire
Kim S. Shropshire

APPLICANT'S ADDRESS: 632 Creekridge Dr.
Eden, NC 27288

APPLICANT'S STATUS: Property owner

REQUESTED CLOSING: Unopened alleyway at 636 Boone Road

STREET WIDTH: Approximately 25 feet

STREET LENGTH: Approximately 380 feet

GENERAL INFORMATION

The City has received a petition signed by the owners of 100 percent of the abutting properties requesting that an unopened alleyway located at 636 Boone Rd. be closed. (See attached map)

The Eden City Code, Chapter 13, Article 3, Division 3, and N.C.G.S. 160A-299 authorize the City Council, upon recommendation of the Planning Board, to consider the closing or vacating of a street in accordance with the rules and procedures set forth therein. Furthermore, it permits the City Council to close a street provided that, after a public hearing has been held, it appears to the satisfaction of the Council that closing the street or alley is not contrary to the public interest, and that the City has no interest in preserving the dedication of such street or alley for municipal purposes, and that no individual owning property in the vicinity of the street or alley would thereby be deprived of reasonable means of ingress and egress to his property.

PUBLIC SERVICE CORPORATIONS

The following public utilities and public service corporations have been contacted in response to this street closing and have issued the following comments in regards to their utility lines and future utility plans for the area:

City of Eden Engineering

Duke Energy

Piedmont Natural Gas

Century Link

Spectrum Cable

REQUIRED FINDINGS

According to the N.C. General Statutes and the Eden City Code, before the City can close a street, the City Council must be satisfied of two matters:

1. That the street closing is not contrary to the public interest.
2. That no individual who owns property in the vicinity of the street is deprived of reasonable means of ingress and egress to that property because of the street closing.

DEPARTMENT FINDINGS AND RECOMMENDATION

In regards to the required findings, the Planning and Community Development Department issues the following comments:

Contingent upon comments from the public service corporations, the staff is of the opinion that the alleyway is not required for public utility service for the area.

The section of the alleyway to be closed is not necessary to the general public for travel and traffic circulation in the area. The alleyway to be closed is an unopened alleyway located at 636 Boone Road. Therefore, staff is of the opinion that no property owner will be denied reasonable means of ingress and egress because of the closing.

In conclusion, the staff recommends, based upon these stated findings, that the alleyway be closed as requested.

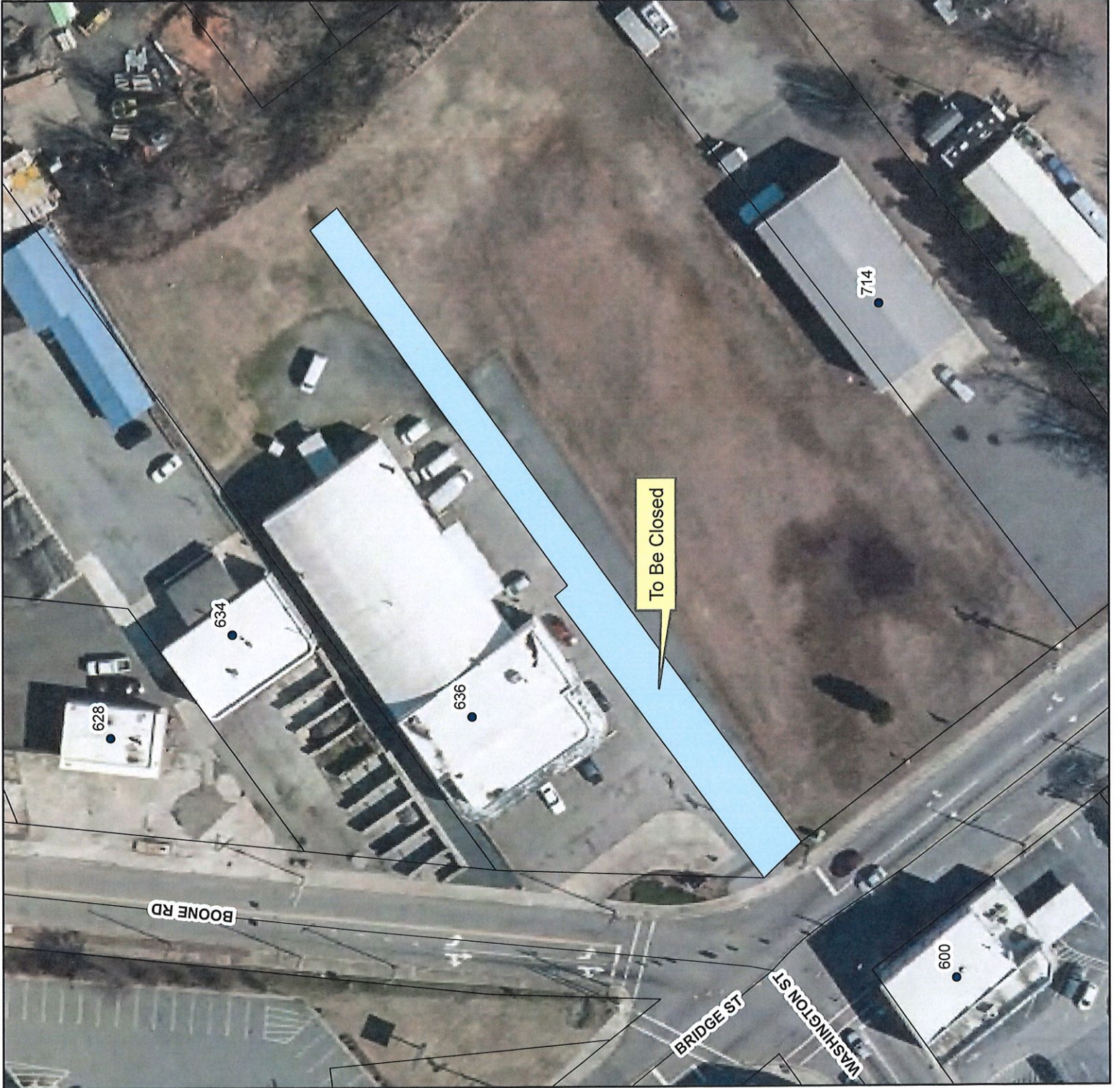
DEPARTMENT RECOMMENDATION:

Close alleyway as requested.

Street Closing
Case File No. SC-21-01



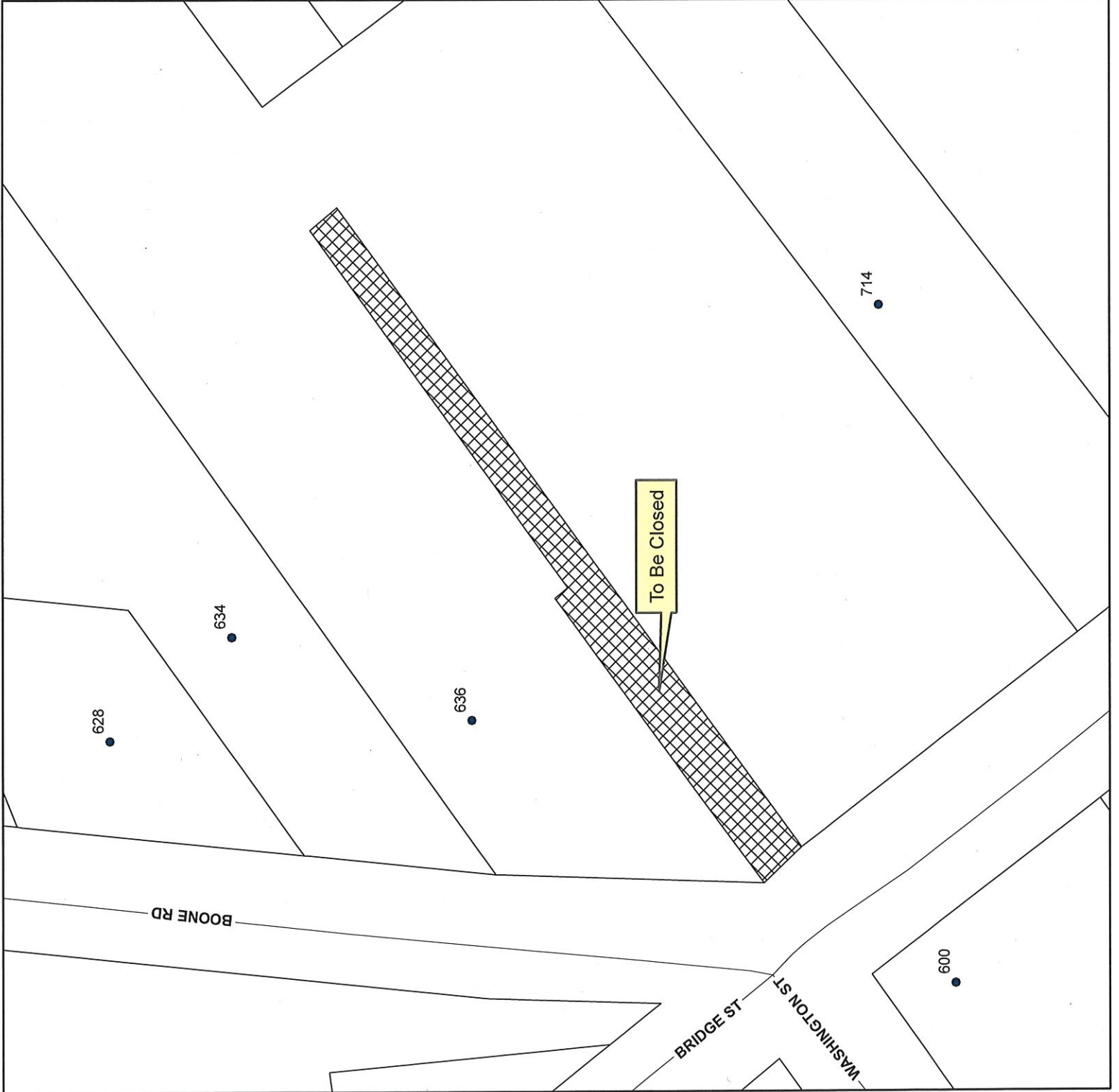
Alley/Easement
on the East side of
Bridge Street at its
intersection with
Washington Street and
Boone Road



Street Closing
Case File No. SC-21-01



Alley/Easement
on the East side of
Bridge Street at its
intersection with
Washington Street and
Boone Road



**RESOLUTION OF INTENT
TO CLOSE AN ALLEY ON THE EAST SIDE OF BRIDGE STREET**

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

Pursuant to the provisions of Chapter 13, Article III, Division 3 and Section 13-88 of the Eden City Code and Section 160A-299 of the North Carolina General Statutes, the City Council of the City of Eden, North Carolina, does hereby declare its intention to close the following alley:

Being all of that alley located on the east side of Bridge Street at its intersection with Boone Road and Washington Street referenced in Deed Book 1959, page 1961 and Deed Book 661, page 729, a copy of a survey showing a portion of the alley being recorded with the Deed in Book 661, page 729. This alley is surrounded on three sides by the property described in Deed Book 1959, page 1961, Tax PIN 7979-07-68-2808, Parcel Number 173480Z1 and as shown on the attached GIS map which is attached hereto for reference.

BE IT FURTHER RESOLVED that the City Council does hereby call for a public hearing on the said closing to be held on the **21st day of December, 2021, at 6:00 P.M.**

BE IT FURTHER RESOLVED that this Resolution will be published once a week for four successive weeks prior to said hearing, a copy of said Resolution be sent registered mail or certified mail to all owners of property adjoining said street as shown on the Rockingham County Tax Records, and prominently posted in at least two places along said street.

BE IT FURTHER RESOLVED, that the Planning Board is hereby requested to submit its recommendation on the proposed closing of said street for consideration of the City Council at the time of said public hearing.

APPROVED, ADOPTED AND EFFECTIVE, this 16th day of November, 2021.

CITY OF EDEN

BY: _____
Neville A. Hall, Mayor

ATTEST:

Deanna Hunt, CMC
City Clerk



City Manager's Report
November 2021
City Manager Jon Mendenhall

ADMINISTRATION

Division of Design & Construction

Northridge Mobile Home Park – Roadway Construction

Construction of the new roadways in the Northridge Mobile Home Park are scheduled to resume in November. The developer completed the clearing and grading late last year but was unable to complete the construction due to contractor availability.

Proposed Crosswalk – Morgan Road

NCDOT Traffic Services has approved the installation of a pedestrian crosswalk on Morgan Road at The Cook Block as long as the City meets NCDOT's lighting requirements. Staff is currently working with Duke Energy to obtain cost estimates on pedestrian lighting and flashing beacons. Once the total cost has been determined, staff will request a recommendation from Council.

Street Resurfacing

The FY 2021-22 Street Resurfacing Contract, No. 1 was completed on October 26. Sections of Henry Street, Park Road, Knight Street, Taft Street, Mill Avenue, and Patrick Street were repaired and resurfaced. The next street resurfacing contract is scheduled for April of 2022.

Water Main Projects Update

A crew from Haymes Brothers, Inc. worked in early October to install a 16-inch diameter water main across Mill Avenue at the intersection with N. Rickman Street. The water main connected two pipe ends installed previously north and south of the intersection. The crew installed two 45-degree bends and also used one sleeve during the tie-in work. On October 18, the Streets Department removed some of the temporary stone placed in the pavement cut by the contractor, then placed and compacted roughly 13 tons of asphalt mix near the intersection. Additional asphalt patching work along N. Rickman Street will be done by a sub-contractor.

Marketing Office

Traveling Vietnam Wall/Heritage & Heroes

We would like to give a special thanks to all who helped make the Traveling Vietnam Wall and Heritage & Heroes event a very special time for all those who visited. American Legion Post 254 did an incredible job with set-up, breakdown, and manning the wall 24 hours each day it was here. It was a true honor to work on such a special project.

WinterFest

Our 3rd annual WinterFest is set for Friday, December 3 in Grogan Park from 5:30 to 8:30 p.m. There will be an outdoor movie, characters, Brunswick stew, hot cocoa bar, s'mores bar, tree lighting, games for kids, ice castle, caroling, and more!

Holiday Parades

Historic Leaksville Night-Time Christmas Parade will take place along Washington Street and Kings Highway on Friday, November 26 at 6:30 p.m.

Draper Children's Christmas Parade will take place along Fieldcrest Road on Saturday, December 4 at 11 a.m.

PARKS AND RECREATION

Bridge Street & Mill Avenue Recreation Centers

These two facilities are open Mondays 1 to 9 p.m., Tuesdays, Wednesdays and Thursdays from 12 to 8 p.m., and on Fridays from 10 a.m. to 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, skateboard park, basketball courts, 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, mahjongg, 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.

Santa Calls and Visits

Rent-A-Santa is offered from December 1–22. Santa will be in town before Christmas and he has agreed to come to your home, office or church event. He does need money for reindeer feed and so the cost is \$30 inside the City of Eden limits, \$40 outside. Call us to schedule: 336-623-2110.

Phone Calls from Santa are offered December 15 and 16. We have limited spots available for Santa to call your child to find out if they're been naughty or nice, and what they would like for Christmas. We are so happy to partner with the North Pole to offer this service FREE for Eden's kids. Call us to schedule: 336-623-2110.

Sports Programs

Youth basketball registration for ages 4-19 (18- & 19-year-old players must be enrolled in and attending high school) is now being accepted and it's free! Practice has just started and games will be played on weekdays. Register online at www.edennc.us, at Eden City Hall, Bridge Street Recreation Center, or Mill Avenue Recreation Center.

Women's Fall Volleyball kicked off the first week in November. Games are played every Monday starting at 7 p.m. at the Mill Avenue Recreation Center.

We have two cornhole leagues going right now: City League for employees and their families on Mondays at the Bridge Street Recreation Center starting at 6:30 p.m., and an Open Cornhole League on Tuesdays at the Mill Avenue Recreation Center starting at 6:30 p.m.

Our Prowlers Football and Cheer Program is ending for the year with a banquet set for Saturday, December 11. We had a fantastic season and thank all the dedicated players, cheerleaders, coaches and their families for participating in our league.

PLANNING & COMMUNITY DEVELOPMENT

Collections

Payments received for code enforcement fees during the month of October consisted of \$152.54 from the Rockingham County Tax Department and \$188.38 by the City.

Community

Luck Stone has acquired Ararat Quarry.

Community Appearance Commission

Members of the commission met in October to plant flowers in the downtown Draper planters.

Draper Landing

Staff met with MVP Pipeline and N.C. Wildlife Resources regarding the development of a proper boat landing.

Grants

Staff has submitted documents to the N.C. Department of Commerce for the CDBG-COVID grant as part of the final requirements for the releasement of funds.

Letters were mailed to all applicants on the CDBG-Draper project notifying them if they were (1) in the top ten to receive assistance; (2) designated as an alternate; (3) not scheduled for assistance; or (4) ineligible for the grant due to income or being located outside of the project area. Staff will begin requesting verification of their income and application information as soon as title searches on the properties are complete.

Inspections and Permits

Total Inspections Performed-October: 197 (not including fire inspections)

Total Permits Issued-October 127

Ray Commons Landmark

The landmark designation for Ray Commons, the former John B. Ray building, was approved at the October City Council meeting.

Spray Cotton Mill Local Landmark

Staff is working on the landmark designation report for Spray Cotton Mill. Plans were to discuss the landmark at the November Historic Preservation Commission meeting and possibly submit to Council in the fall.

Tree Board

At the board's October meeting, members discussed Freedom Park Nature Trail and the markers that were being installed in conjunction with N.C. Forestry Service and the Parks and Recreation Department. The board also discussed possibly doing an Arbor Day program for the children's story time at the Library, replacing several missing trees on Highway 14, and also pruning some of the trees that were creating a sight obstruction. Two new members were appointed at the October City Council meeting to fill the vacant spots on the board and would be sworn in at the November Tree Board meeting.

UDO

The Planning Board met on October 26 to consider the closing of an alley on the east side of Bridge Street and to make a recommendation to the City Council on the adoption of the Comprehensive Pedestrian Plan.

Downtown and Economic Development Activities

The Boulevard

The new owner of 246 The Boulevard has begun renovations of the downstairs storefront, as well as the upstairs apartment.

Draper

A façade improvement was completed at 144 N. Fieldcrest Road while 141 N. Fieldcrest Road has been repainted. It is possible that a pet store may locate to 148 N. Fieldcrest Road after the building is remodeled.

PUBLIC UTILITIES

Water Plant Receives 2020 AWOP Award

The Area Wide Optimization Program (AWOP) was developed to help water systems meet more stringent regulations and achieve higher levels of water quality. Achieving this goal means that the water's turbidity levels were less than one-third of the allowable limits 95 percent of the time. Target turbidity levels are 0.1 ntu (nephelometric turbidity unit), well below the regulatory limit of 0.3 ntu. Water treatment plants that consistently attain such a low level of turbidity achieve significant water quality benefits by removing particles that may harbor microbial contaminants.

AWOP Awards are given each year to water systems that demonstrate outstanding turbidity removal, a key test of drinking water quality. While all drinking water systems have to meet strict state and federal drinking water standards, the systems that achieve this award met performance goals that were significantly more stringent.

The Robert A. Harris Water Filtration Plant has participated in AWOP since 2005 and recently received one of the State's highest honors in water treatment, the Area Wide Optimization Award for 2020. This is the plant's twelfth award and ninth straight year of achieving this recognition. Of the 150 surface water systems in the State, only 64 received the award.

POLICE

Staff will attend several trainings during the month of November, including Crisis Intervention Training, Regional Training Conference, and Project Safe “Call In.”



DATE: November 3, 2021

TO: The Honorable Mayor and City Council

THRU: Jon Mendenhall, City Manager

FROM: Cindy Adams, Marketing & Special Events Manager

RE: Strategic Planning Commission Funding Request

Time is requested at the November 16, 2021 Eden City Council meeting to seek approval of the following project the Eden Strategic Planning Commission has unanimously approved to be implemented during the 2021-2022 calendar year. Project details are the following:

TWO RIVERS TUBING PROJECT - \$66,000 (This amount includes a 10% contingency for possible material cost increases.)

- **Metal Building (15x51) Insulated**
- **Electrical Wiring of Building**
- **Concrete Pad**
- **Ice Machine**
- **200 River Tubes**
- **200 Personal Flotation Devices – Vests**
- **1 Kaufman 6’x10’ trailer**
- **1 – 15 passenger van**
- **Signage**
- **Misc. – Dry Packs & Supplies**

Please let me know if you have any questions about the request.

CITY OF EDEN, N.C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, October 19, 2021 at 6 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meeting were as follows:

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

MEETING CONVENED:

Mayor Hall called the regular meeting of the Eden City Council to order and welcomed those in attendance. Pastor Richard Henderson of Real Love Ministries gave an invocation followed by the Pledge of Allegiance led by Fire Chief Todd Harden.

PROCLAMATIONS AND RECOGNITIONS:

There were none at this time.

SET MEETING AGENDA:

Mayor Hall noted 10a (consideration to adopt a fire agreement with Rockingham County) should be removed at the request of Chief Harden. It would be brought back at a later date.

A motion was made by Council Member Moore to set the meeting agenda as amended. Council Member Nooe seconded the motion. All members voted in favor. The motion carried, 7-0.

PUBLIC HEARINGS:

- a. Consideration and adoption of an ordinance annexing property located at 7845 NC 770.

At the regular City Council meeting on August 17, 2021, the Council scheduled this public hearing to hear comments regarding an annexation of the property located at 7845 NC 770. The petition requesting annexation was filed by the property owners, Jill and Bobby Harris. Staff was of the opinion that this property should be annexed.

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

Ms. Stultz stated the property was adjacent to the city limits. It previously had septic tank issues and the owners had been allowed to connect to the City’s sewer. They had since submitted a request to be annexed and all the paperwork was in order. Staff recommended Council adopt the ordinance.

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

Council Member Moore made a motion to adopt an ordinance annexing property located at 7845 NC 770. Council Member Nooe seconded the motion. All members voted in favor. The motion carried, 7-0.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF EDEN, NORTH CAROLINA

NOTICE OF PUBLIC HEARING ON REQUEST FOR CONTIGUOUS ANNEXATION

The public will take notice that the City Council of the City of Eden has called a public hearing at 6:00 P.M. on Tuesday, October 19, 2021, at the Eden Council Chamber at 308 E. Stadium Drive on the question of annexing the following described contiguous territory, requested by petition filed pursuant to G.S. 160A-31:

7845 NC 770 identified by the Rockingham County Tax Department as PIN 7969-12-85-5844 and Parcel Number 133161 and being 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.

If you want to comment regarding this action, comments may be made three ways: in person at the October 19 meeting (following social distancing and capacity restrictions); emailed to the City Clerk dhu nt@edenc.us by 5 p.m. on October 19; or by phone to the City Clerk at 336-623-2110 by 5 p.m. on October 19. Comments submitted by email or phone will be read at the meeting.

Further information may be obtained from the Planning & Inspections Department at (336) 623-2110.

s/Deanna Hunt, City Clerk



WHEREAS, the City Council of the City of Eden, North Carolina, has been petitioned under G. S. 160A-31 to annex the area described below; and

WHEREAS, the City Council of the City of Eden has by resolution directed the CityClerk to investigate the sufficiency of the petition; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a publichearing on the question of this annexation was held at the City Council Chamber, 308 East Stadium Drive at 6:00 o’clock p.m. on the October 19, 2021, after due notice by publication on October 6, 2021; and

WHEREAS, the City Council of the City of Eden finds that the petition meets the requirements of G.S. 160A-31;

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

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made a part of the City of Eden as of December 31, 2021:

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 2. Upon and after December 31, 2021, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Eden, and shall be entitled to the same privileges and benefits as other parts of the City of Eden. Said territory shall be subject to municipal taxes according to G. S. 160A-31.

Section 3. The Mayor of the City of Eden shall cause to be recorded in the Office of the Register of Deeds of Rockingham, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territories described in Section 1 above, together with a duly certified copy of this Ordinance. Such a map shall be delivered to the Rockingham Board of Elections, as required by G.S. 163-288.1.

Section 4. Notice of adoption of this Ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Eden.

Adopted this 19th day of October, 2021.

CITY OF EDEN

BY: Neville A. Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

- b. Consideration of a request and adoption of an ordinance for Local Landmark Designation for the “Central Hotel” located at 625 Washington St.

On April 12, 2021, the Historic Preservation Commission recommended in favor of a request to designate the Central Hotel, located at 625 Washington Street, as a Local Historic Landmark. Staff also submitted a report and received comments from the State Historic Preservation Office as required by N.C. General Statutes. Therefore, staff requested Council hold a public hearing to consider the request.

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

Ms. Stultz turned the presentation over to City Planner Debbie Galloway.

Ms. Galloway explained the Central Hotel was the most prominent building in the downtown, now called Uptown, Leaksville area. It was one of the oldest commercial buildings in the City. It was the first building with an elevator and at the time it was built, it was the tallest building in the county. It was alternately known as the Realty Building or John B. Ray Building. The Historic Preservation Commission (HPC) had considered the property for quite a while but it had not moved forward with the landmark process and then COVID-19 caused delays. Current owner Michael Carpino applied for local landmark designation. The HPC had reviewed the request and recommended in favor. As required by state statute, a report had been submitted to the State Historic Preservation Office and they had agreed it was worthy, both architecturally and historically, for local landmark designation.

Council Member Nooe asked what the tax implications were.

Ms. Galloway replied the designation allowed the owner to apply each year for a 50 percent reduction in property taxes. If the designation was approved by Council, the department would send a letter to the county’s tax department informing them the property had been landmarked. Current annual taxes according to the tax department were \$1,450.36 so the City would get half that. Those were the latest taxes listed and she was sure they did not include the recent updates on the property.

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

Council Member Hunnicutt made a motion to adopt an ordinance for designating the Central Hotel (John B. Ray Building) to be a Historic Landmark. Council Member Carter seconded the motion. All members voted in favor. The motion carried, 7-0.

Legal Notices

NOTICE OF PUBLIC HEARING

The Eden City Council will conduct a public hearing on Tuesday, October 19, 2021 at 6:00 pm in the conference room at City Hall at 308 E. Stadium Dr. for the following purpose:

1. Consideration of a Local Historic Landmark Designation for the Central Hotel located on at 625 Washington Street. The request was submitted by the property owner. HPCI-21-01.

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 October 19 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 336-623-2110 by 5 p.m. October 19. Comments submitted by email or phone will be read at the meeting.

Authority: N.C.G.S. 160D-942; City of Eden Unified Development Ordinance, Article 2.07-G.

This the 30th day of September, 2021.

CITY OF EDEN

AN ORDINANCE DESIGNATING THE CENTRAL HOTEL (JOHN B. RAY BUILDING) TO BE A HISTORIC LANDMARK

BE IT ORDAINED BY THE CITY COUNCIL of the City of Eden, North Carolina, that, after the Eden Historic Preservation Commission and the City Council of the City of Edenhaving fully complied with all legal requirements, including publication of notices of public hearings and the holding of separate public hearings relative thereto, and the Eden Historic Preservation Commission having proposed the designation of the Central Hotel located at 625 Washington Street as a Historic Landmark and the North Carolina Department of Cultural Resources State Historic Preservation Office having deemed that the Central Hotel at 625 Washington Street has the requisite special significance and integrity for landmark designation, the following described property is hereby designated to be a “Historic Landmark”:

Section 1: Description of the property:

Being all of that property commonly known as 625 Washington Street located on the north side of Washington Street and identified by the Rockingham County Tax Dept. as PIN 7979-0758-5511-00 and Parcel ID #137568

Section 2: Name of Owner: Carpino Investments 2, LLC

Section 3: Elements of the Property Integral to Historical Value: The Central Hotel (Realty

Building, John B. Ray Building) is the most prominent building in the Central LeaksvilleHistoric District. The Neo-Classical Revival style building was built in 1924-25. At the time of construction, it was the tallest structure in Rockingham County and the only one with an elevator. Three firms organized and managed by Jones W. Norman, Sr., were involved in the project, including Leaksville-Spray Insurance and Realty Company which lent the “skyscraper” its original name, the Realty Building. The building contained shops on the first floor and offices and the Central Hotel on the upper stories. In 1937, physician John B. Ray purchased the building and he sold the building in 1946 to Dr. Sam E. Pace. The property changed hands several times and was converted into apartments. In the 1990’s the building became vacant except for occasional commercial uses on the ground floor. In 2020 the building was sold again and is currently undergoing a complete renovation to be converted into apartments with amenities on the ground floor. The building is a brick and tile structure with brick pilasters running through the three upper stories and limestone detailing. The stone ornamentation features a heavy molded string course above the former storefronts on Washington and Monroe Streets. There are small rectangular panels beneath the third- and fourth-story windows and capitals at the pilasters. The upper story has a stone frieze with simple geometric shapes, sheltered by a pronounced cornice at the top. There are large plate glass windows on the ground floor on the Washington Street side.

Many of the original double-hung windows were replaced by a previous owner, but some remain on the north and east sides. The current owner had tried to preserve the historic architectural features of the building and the exterior renovations are sympathetic to the original style of the building. Some interior features have also been preserved including interior hallway doors, plate glass windows on the front façade and an ornate wrought iron railing on the stairway.

Section 4: The waiting period set forth in Part 3C of Article 19 of Chapter 160A of the North Carolina General Statutes entitled, “Historic Districts and Landmarks,” shall be observed prior to any demolition on the property.

Section 5: Filings and Notices of Ordinances: The Eden Historic Preservation Commission shall:

- (a) file this Ordinance in the Office of the Register of Deeds of Rockingham County, North Carolina;
- (b) file a copy of this Ordinance with the Codes Inspector, City of Eden; and
- (c) notify the Tax Supervisor of the Rockingham County Tax Department of the adoption of this Ordinance.

APPROVED, ADOPTED AND EFFECTIVE, this 19th day of October, 2021.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

REQUESTS AND PETITIONS OF CITIZENS:

City Attorney Erin Gilley read the policy for speakers.

Tommy Underwood, 220 Adams St., said as a retired fire chief and citizen of Eden, he was 100 percent in favor of renaming the park after Mrs. Ernestine Hampton, an item that Council would be discussing. He hoped Council passed the renaming. He wanted to thank Council Member Hampton for sending out the emails that originally got the issue started.

UNFINISHED BUSINESS:

- a. Consideration to adopt a resolution to repeal REC-8 Naming of Parks, Recreational Areas & Facilities Policy and delegate to the City Manager the authority to establish procedures for naming city parks and facilities and to rename Peter Hill Park to Ernestine Hampton Park.

City Staff was directed by City Council at the previous meeting to investigate the Parks and Recreation policy regarding naming of facilities with an emphasis being placed on bringing the name of Peter Hill Park back to the Council agenda for the October meeting for discussion and vote. The City Council had the sole authority to designate the name of public recreational facilities in whole or in part. The current policy was enacted to adopt a uniform methodology to consider proposals to name City-owned facilities. The policy presents a clear preference for names of facilities based upon geographical areas and also emphasis and preference are given to remain with the original name and not to rename a facility. There was also the requirement for a minimum of 50 percent donation toward the cost of construction of a new park or property. The policy, while it does provide a uniform methodology to park naming, does not easily allow for exceptional circumstances brought forth by Council. Based upon the fact that Council has the sole authority to designate the name of the public recreational facilities and the fact that this

item was initiated by members of City Council at the September meeting, Staff recommended Council repeal the current Parks & Recreation Policy (REC-8) and delegate to the City Manager the administration of the policy, including any future revisions and implementations. The policy was similar to the former enacted policy with the same preferences; however, it allowed Staff to administer the policy and make its recommendations to Council, but it also allowed Council to efficiently exercise its sole authority when it deemed that there were extraordinary circumstances present. Once the current Parks & Recreation Policy has been repealed, Council has the sole authority to designate the name of public parks and can proceed to rename Peter Hill Park. Staff recommended Council adopt the resolution to rescind the current Parks & Recreation Policy (REC-8) and delegate to the City Manager the administration of that policy. The resolution would also effectively rename Peter Hill Park to Mrs. Ernestine Hampton Park.

Mayor Hall called on Ms. Gilley.

Ms. Gilley read the above memo. She noted that as referenced in the resolution, there were many things expressed about Mrs. Hampton at the last meeting including the caliber and magnitude of her service and contributions to the Blue Creek community. She thought that was why Council ultimately wanted to rename the park.

Council Member Epps made a motion to adopt a resolution to repeal REC-8 Naming of Parks, Recreational Areas & Facilities Policy, and to delegate to the City Manager the authority to establish procedures for naming city parks and facilities, and to Rename Peter Hill Park to Ernestine Hampton Park. Council Member Carter seconded the motion. All members voted in favor. The motion carried, 7-0.

At this time, Mayor Hall asked the family and friends of Mrs. Hampton who were in attendance to join him at the podium as he read the resolution to rename the park.

Thurman Hampton said his mother worked tirelessly in the community with a focus on that park as a place where members of that community could go and just have fun. She would be, he thought, both proud and humbled by the recognition. He thanked Council.

RESOLUTION TO REPEAL PARKS AND RECREATION POLICY (REC-8) AND DELEGATE THE
AUTHORITY TO ESTABLISH A NEW POLICY TO THE CITY MANAGER, AND
TO RENAME PETER HILL PARK TO MRS. ERNESTINE HAMPTON PARK

WHEREAS, the Eden City Council has the sole authority to designate the name of public recreational facilities in whole or in part; and

WHEREAS, the City Council recognizes the need for uniform methodology to consider proposals to name City owned facilities; however, the City Council believes it to be in the best interest of the City to delegate the authority to establish procedures and administer the Policy to the City Manager; and

WHEREAS, the City Council desires to repeal the current Parks & Recreation Policy (REC-8) and delegate to the City Manager the authority to establish a new policy that would allow the City Staff to base its recommendations on statements of preferences, but also reserve the right of the City Council to efficiently exercise its sole authority when it deems that there are extraordinary circumstances present in an initiation to rename a public facility; and

WHEREAS, the City Council has initiated on its own the proposal to rename Peter Hill Park, Mrs. Ernestine Hampton Park; and

WHEREAS, Mrs. Ernestine Hampton worked tirelessly as an advocate and championed community improvement projects and programs, especially in her Blue Creek Community, including seeking and gaining approval from the City Council to create the first neighborhood plan in the City's history for the Blue Creek community. She was instrumental in the creation of the Blue Creek Action Committee. She was the wife of Eden's first African American police officer and the mother of Rockingham County's first African American District Attorney; and

WHEREAS, Mrs. Ernestine Hampton passionately served her neighbors and the City as a whole by promoting efforts by the City to improve Peter Hill Park, including locking and unlocking the gates at the Park for more than 20 years; and

WHEREAS, City Council recognizes that the caliber and magnitude of the Mrs. Hampton's service and contributions to the Blue Creek community and that her efforts to improve the lives of those around her, the neighborhood Park and ultimately, the City of Eden as a whole were extraordinary and deserving of honor; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Eden that the current Parks & Recreation Policy (REC8) be repealed and that the authority to establish a new policy be delegated to the City Manager.
NOW, THEREFORE, BE IT FURTHER RESOLVED, by the City Council for the City of Eden that in honor of Mrs. Ernestine Hampton’s service and contributions to the Blue Creek Neighborhood, Peter Hill Park and the City of Eden as a whole, that the City of Eden officially rename Peter Hill Park to Mrs. Ernestine Hampton Park.

APPROVED, ADOPTED AND EFFECTIVE this 19th day of October, 2021.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

NEW BUSINESS:

- a. Consideration to adopt a fire agreement with Rockingham County.

This item was removed from the agenda.

- b. Consideration to adopt a Memorandum of Understanding for Spray Cotton Mill.

The former Spray Cotton Mill property was purchased by a developer, Spray Cotton LLC. The developer was in the process of submitting plans to the City for the development of the property which was currently slated to include 94 market rate apartments with a \$19 million level of investment. Based upon the plans and estimates, once the development has built out and was occupied, the City could expect to receive approximately \$131,000 in new annual income, combined general fund and water and sewer fund revenue. The developer also proposed making 9,000 square feet of space available at the facility for City lease. In addition, the developer proposed partnering with the City in creating a river walk to extend the City’s greenway system at the site along the Smith River. In an effort to create a master plan or outline of the distinct but connected components of the development, City staff proposed a Memorandum of Understanding (MOU) to be entered into by the City and the developer. While all details had not been ferreted out yet, the City and the developer would both like to see an initial commitment and interest by the other. The MOU described the intention of the parties with respect to the construction and occupancy of a 9,000-square-foot leased space being upfit for the City by the developer for community and business development. The leased space was contingent upon a number of conditions, including the partnership and construction of the river walk and certain fees being waived for the developer. The MOU also provided that the details of all of the components would be clarified and negotiated in a more definitive agreement at a later stage. Staff recommended Council approve the Memorandum of Understanding to give the developer and staff the ability to proceed with the project.

Mayor Hall called on Ms. Gilley.

Ms. Gilley read the above memo.

Mayor Hall noted this was something Council had talked about for months. It was the opportunity to take one of the blighted buildings and find an investor who could make it into a usable space again. He liked seeing the public/private partnership to move the project along. It had been an eyesore for many years.

Council Member Nooe said the property was within the flood zone on N.C. flood maps. Before the City tied up any money in the project, they needed to make sure that was taken care of with flood insurance or whatever.

Ms. Stultz advised an engineering firm had been engaged to prepare the necessary things the federal government wanted.

Ms. Gilley advised that was one reason staff did not bring a formal lease agreement at the existing stage – it was a memorandum of understanding which was basically the intention of the parties to work together and come to a more definitive lease agreement. Staff would appreciate Council’s guidance on that.

Mayor Hall said he imagined the project would be contingent on satisfying the flood map. The legal team could figure that out but there would not be an option to lease space if they could not get the construction.

Council Member Hunnicutt asked in terms of timing what the expectation was for when the City would be ready to commit on something like that. He knew that initial construction drawings had been submitted but a good number of components that had been touched on a little bit had not been designed at that point. There were still a lot of questions and information to be collected. In terms of the developer's timeline, he questioned if they were talking six weeks, six months, or what the best guess was at that point.

Ms. Gilley replied in the agreement, there was a feasibility timeline of 90 days. That was after the agreement was executed and it would give the City the amount of time to enter the property and study the costs that may be associated with the river walk and what types of upfits specifically the City would like. She referred to Ms. Stultz who she said had talked more with the developer about his timeline.

Ms. Stultz said the developer intended to already be under construction. The holdup was the flood certifications. They had been working on that for several weeks. As soon as that was clarified and the federal government was satisfied and she could sign off on it safely, the rest of the plans were ready for submittal.

Council Member Hunnicutt questioned if the specifications for the business center were being developed so that the City understood what it would look like and what the specifications were for buildout, etc.

Ms. Stultz advised that she, Ms. Gilley, City Manager Jon Mendenhall, and Interim Community and Economic Development Manager Randy Hunt would likely discuss that with the developer and bring the information back to Council for approval before there was any commitment. They had some notions or plans in their heads but Faisal Khan, the developer, had designated the area but the final decisions had not been made and would come back before Council.

Council Member Epps made a motion to adopt a Memorandum of Understanding for Spray Cotton Mill. Council Member Ellis seconded the motion. All members voted in favor. The motion carried, 7-0.

A copy of the Memorandum of Understanding is on file in the Clerk's Office.

c. Consideration to adopt a Municipal Services Agreement with the Town of Stoneville.

The current ORC for Collections and Distribution in the Town of Stoneville would retire at the end of October. The Town asked for the City of Eden's assistance due to the difficulty in finding a replacement with the proper experience and licensure. In response, the City was offering this Municipal Services Agreement to provide assistance with licensed operators until they are able to employ someone or someone on their staff is able to obtain the proper licensure. The City was also offering our services for emergency repairs, if needed. Under this agreement, the City would assign an employee with the necessary license to visit the sites weekly, communicate with the Town staff weekly, review and sign reports monthly, and be present for any issues or inspections as needed. This would all take place outside of their normal duties related with the City so as not to interfere with their job requirements. This was planned to be a temporary agreement but can be extended as necessary.

Mayor Hall called on Director of Public Works Paul Dishmon and Utilities Manager Melinda Ward.

Mr. Dishmon said the Town of Stoneville had an ORC who was getting ready to retire and who held the license for their water and wastewater system. They had asked the City to assist them with a licensed person to sign off on their paperwork monthly until they had a person in place. They were trying to hire someone currently but had been unsuccessful. The agreement could stay in place as long as they needed it. Stoneville could hire someone who needed training or they may hire someone who had the license in hand. Once a week, the proper person with the proper license would go to Stoneville, read over their reports and sign off on them

for the state. This would not interfere with the person's regular duties but would be done after hours. He was asking for approval of the agreement.

Council Member Moore asked how many people the City had certified to do it.

Mr. Dishmon thought there were three or four. One was borderline with his license and needed one more level.

Council Member Moore asked if Mr. Dishmon was referring to checking reports and different documents when he used the term sign off.

Mr. Dishmon replied they would follow up on the reports that had to be turned into the state and see if everything was in order the way it had to be.

Council Member Moore questioned if anything could fall back on the City.

Mr. Dishmon answered no. The contract was set up to protect the City. It was an ongoing contract. The contract would be revisited every six months. It could be cancelled by either party with the proper notification. It also provided for emergency repair by the City at a cost laid out in the contract.

Council Member Nooe noted that the document had a risk of loss and requirement of insurance so there was the possibility of some liability. He questioned if City insurance covered contracting employees out to another municipality or any other business.

Ms. Gilley advised there was language in the contract that the City would not be an employee of Stoneville. The employee would be an independent contractor covered under the City's own worker's compensation by the N.C. League of Municipalities (NCLM).

Council Member Nooe questioned that the person would not be a City employee but the City would be covering their unemployment insurance.

Ms. Gilley said they would be a City employee but not a Stoneville employee.

Council Member Nooe asked if they were covered under the City's insurance.

Ms. Gilley answered that was correct.

Council Member Hunnicutt said he was not exactly sure of the actual responsibilities the City would provide. He asked Ms. Gilley if she was comfortable relative to the liability, again not knowing exactly what they were doing, making it hard to ask a material question on it. He questioned if she was comfortable that the liability was manageable and that there was not something that would fall back on the City as not having acted appropriately.

Ms. Gilley advised she was. There was indemnification language in there that Stoneville would provide to the City and it was essentially the same risks that the City had with its own services and was covered under City insurance.

Mayor Hall questioned if the City's insurance premiums were affected by the fact that an employee was taking on the responsibility.

Ms. Gilley answered that she did not think it would be in how the City's premiums were done, but staff had not touched on that yet. They had not verified with the NCLM those implications.

Mayor Hall thought that would be a simple fix. If the City's premiums increased as a result, Stoneville should be responsible for that part of the premium.

Ms. Gilley agreed and said that would be how the City would recover that.

Mayor Hall asked if that could be put in the contract relatively easily.

Ms. Gilley replied yes.

Council Member Nooe asked Ms. Gilley to look at 7c, first line. At the end it referenced "town and its elected officials." Under b referencing the consultant, the elected officials were not included. He asked if their elected officials were covered, did the City's elected officials need to be covered as well.

Ms. Gilley advised the City's did need to be. She could put that in there. It did say employees and agents, which Council was, but it did not specifically say elected officials.

Council Member Nooe said the town was covered under that verbiage as well as the elected officials.

Ms. Gilley agreed and said the language could be added.

Mayor Hall said so far, the changes to the contract were to add elected officials to item 7b to read as it did in 7c and to add language to prevent the City from having an increase in premiums for an employee doing something outside the City.

Council Member Moore said he recalled 30 years ago when some vehicles were involved in accidents outside the City. He questioned if the employee would be driving a City-owned vehicle or their personal vehicle.

Mr. Dishmon answered personal vehicle.

Ms. Ward responded it would be a City vehicle half or most of the time.

Mr. Dishmon replied there had been a change then and it could be either/or.

Council Member Moore said it was not that far but still things could happen.

Council Member Ellis questioned if to Council Member Moore's point, the City could have its personnel traveling in City vehicles to Stoneville.

Mr. Dishmon said that was not a problem.

Mayor Hall asked Ms. Gilley if she saw a reason for concern with the vehicle usage. He said there again, if the premium were adjusted it would go to Stoneville.

Ms. Gilley advised her preference was that the employee be in a City vehicle. She thought the availability of the vehicles may have been an issue.

Council Member Ellis said it was not the first time the City had done something like this.

Mayor Hall said the City had been involved in agreements with other municipalities before.

Council Member Ellis made a motion to adopt a Municipal Services Agreement as amended with the Town of Stoneville. Council Member Nooe seconded the motion. All members voted in favor. The motion carried, 7-0.

A copy of the agreement is available in the City Clerk's office.

d. Consideration to adopt a Duke Energy Franchise Agreement.

By authority of N.C.G.S. 160A-319, cities had the authority to grant franchises for the operation of various enterprises including electric power generation, transmission and distribution systems. The City of Eden granted a franchise to Duke Power in 1968. The franchise primarily granted authority for Duke Energy to operate within the City while regulating excavations and repair within public rights of way. The regulations of excavations and repair required Duke to restore any openings, excavations or alterations made by it in the rights of ways. Duke proposed and requested a new franchise as the current one had expired. The proposed franchise was similar to the one adopted in 1968, and would run 60 years. It would then renew and continue on a year-to-year basis unless terminated by either party upon 90 days written notification. The agreement was reviewed by the Division of Design and Construction and the Department of Public Works. Both approved the agreement. Staff recommended adoption.

Mayor Hall called on Ms. Gilley.

Ms. Gilley read the above memo.

Council Member Nooe said it may not have anything to do with Duke Energy, but there were some guidewires around that were frayed and hanging wires on poles. He questioned if maintenance of equipment in a safe manner and a contact for that maintenance could be included in the contract.

Ms. Gilley advised repairs were in the agreement.

Council Member Nooe said he saw that they could do maintenance. He did not see that the City could request them to come and do the repairs.

Ms. Gilley said if the repairs were not made appropriately, the City could call them out and she thought that would fall under the franchise agreement. It had happened somehow.

Council Member Hunnicutt said it did not have to be in the franchise agreement but he would like to convey to them that the City did not like the purple streetlights. He had heard a lot of complaints about those.

Mayor Hall agreed and said Duke Energy did not like them either and was trying to get them changed out. He noted that Duke Energy was the only local power company so yes, they were a monopoly and it was not like there were other franchise options. He had a concern: a 60-year contract for an energy-based company. Things would change within 60 years. There could be another option for a power company. There could be a solar company that could power the entire community and they would not be able to operate. He questioned if it created the monopoly that they were after and had now. He said the City could get out after a 90-day notice after the 60 years.

Ms. Gilley advised the City did not have to go 60 years, that was a request from Duke Energy. She checked around and had looked at other municipality's franchise agreements with Duke. Some had 50 years as opposed to 60 but she had not checked with Duke on that term. She contacted the NCLM to see if the City had any sort of leverage. Duke had made investments in their lines, infrastructure and companies and she thought that was why they were asking for the 60-year term. Yes, the City would be hard pressed to give a franchise to someone else.

Mayor Hall verified if new technology developed and a company wanted to provide services in Eden, they would not be allowed to do that.

Ms. Gilley said that was correct.

Council Member Hunnicutt said if that were to occur, that was likely to be statewide if not nationally. If that were the case, he could not imagine that the N.C. General Assembly would not be involved in implementation of multiple power companies and would be changing lots of legislation.

Ms. Gilley agreed and said she thought that was why authority was provided in the statute which gave the right to cities. She thought there would be some players at the state level at that point.

Council Member Hunnicutt asked Ms. Gilley if it was her assessment that the 60 years was not unreasonable.

Ms. Gilley responded that it was not. It was what most municipalities had done. It was also done in 1968 although there was not a renewal on a year-to-year basis and a right to terminate in 90 days so that part was new but it was the same with all other municipalities. She thought it was reasonable.

Council Member Epps said regarding the purple streetlights, Duke Energy had said they had a batch of bad lights and they were taking them out as they found them.

Council Member Hunnicutt made a motion to adopt an ordinance granting a franchise to Duke Energy Carolinas, LLC. Council Member Carter seconded the motion. All members voted in favor. The motion carried, 7-0.

AN ORDINANCE GRANTING A FRANCHISE TO DUKE ENERGY CAROLINAS, LLC
BE IT ORDAINED BY THE CITY COUNCIL (Governing body) OF THE CITY OF EDEN, as follows:

I. DEFINITIONS

1.1 As used in this Ordinance, the following terms, words and phrases shall have the meanings respectively ascribed to them in this section:

“Duke Energy” shall mean Duke Energy Carolinas, LLC; a North Carolina limited liability company organized under the laws of the State of North Carolina and authorized to do business in the State of North Carolina and any assignee of or successor in interest to Duke Energy Carolinas, LLC; under this franchise Ordinance.

“City” or “City of Eden” shall mean the City of Eden, a municipal corporation located in Rockingham County, North Carolina; the area within the territorial City limits of the City of Eden and within the extraterritorial area surrounding the City to the extent it may be lawfully included as presently or hereafter fixed by law or ordinance; or the City Council Members or any officer or agent duly authorized in acting on behalf of the City as a municipal corporation, as indicated by the context by which the term is used.

“City Council” shall mean the governing body of the City of Eden.

II. FRANCHISE GRANTED

2.1 Duke Energy is hereby granted the right to construct, operate and maintain an electrical utilities system, including such communications infrastructure as is necessary and convenient for the electrical utility’s purpose, within the City and within the extraterritorial area surrounding the City, to the extent the City may lawfully do so, for the generation, transmission, distribution and sale of electricity to consumers and users within the City and to the City and any and all agencies and departments thereof. Duke Energy is also given permission to do all acts necessary or helpful for the purposes enumerated hereinabove or hereinafter; and assent, and permission is hereby given and granted to Duke Energy, its successors and assigns, to exercise all powers, right and privileges which Duke Energy under and by the terms of its charter, or otherwise is authorized, empowered or permitted to conduct, carry on, exercise, do or transact including, without limitation, the power, right and privilege to use, lease, sell, convey and transmit power by electricity for manufacturing, lighting, heating, motive power or other purpose or purposes and for the doing of an electrical business generally.

- 2.2 Duke Energy is hereby granted the right, authority, and privilege to construct and install, operate, maintain, renew, replace and repair electrical and communications facilities including but not limited to lines, cables, towers, poles, conduits, transformers, connections and services thereto, in, through, across, along and under streets, avenues, roads, public alleys, lanes, parks, squares, and other public places and ways in the City for the generation, transmission, distribution and sale of electricity, its communications purposes and for any and all other approved purposes, subject to the terms and conditions hereinafter set forth in this Ordinance; provided, however, that nothing in this Ordinance without further approval of the City shall authorize or permit the construction of a cellular tower or similar facility within the public areas described herein.
- 2.3 If the City determines that it is necessary to expand, widen, or improve a road or other public way, the City may require Duke Energy to relocate its facilities that are in conflict with such expansion, widening or improvement. If the City requests such a relocation, it will provide an acceptable alternate location for Duke Energy’s facilities at no cost to Duke Energy. If Duke Energy’s facilities are, or were originally, located on private property, the City shall pay for the cost of relocation. If, however, Duke Energy’s facilities were originally located within the existing public right-of-way which is being, expanded, widened or improved, Duke Energy shall bear the expense of relocating its facilities. If any street improvement project is to be funded in whole or in part by the State of North Carolina or the federal government, or an agency thereof, the City will cooperate with Duke Energy in obtaining reimbursement for its relocation cost to the extent allowable under state and federal law. Such reimbursement, when received, shall be an offset against the cost of relocation to be paid by the City. The relocation cost and reimbursement for relocation costs for facilities installed to provide electric service to the City, including street and area lighting and traffic signals wherever located, shall be determined and paid by the City in accordance with the Applicable Rate Schedules and Service Regulations of Duke Energy on file with the North Carolina Utilities Commission, as the same now exist or as they or any of them may be hereafter amended, modified, changed or annulled in accordance with the laws and regulations pertaining thereto.
- 2.4 Whenever Duke Energy shall cause any opening, excavation or alteration to be made in any street, lane or public place within the City in the construction, operation or maintenance of any of its electrical and communications facilities including but not limited to lines, cables, towers, poles, conduits, transformers, connections and services owned or used by it, Duke Energy shall cause such portions of said street, lane or public place to be restored to the same condition in which it found them as nearly as practicable. Additionally, if Duke Energy shall fail to restore the area to its approximate former condition within a reasonable period of time, but no less than thirty working days after notification by the City, the City shall proceed to restore such streets, lanes and public places as nearly as practicable to their original condition and the City shall submit a statement of the costs for this restoration to Duke Energy. Duke Energy agrees to pay the City for these costs within thirty days.
- 2.5 Duke Energy shall be subject to the City of Eden Code of Ordinances relative to the use of such streets, avenues, roads, public alleys, lanes, parks, squares, and other public places and ways in the City.
- 2.6 Pursuant to N.C.G.S. 160A-319(a) this franchise is granted for a term of sixty (60) years beginning _____, 20__ and ending at midnight _____, 20__, and thereafter it shall renew and continue in force on a year to year basis unless terminated by either party upon ninety days written notification to the other. Notwithstanding the foregoing, in the event that the electric industry in North Carolina is deregulated or restructured by state or federal legislation or regulation, or state or federal judicial action which affects retail distribution to the extent that the inhabitants of the City may choose their electric supplier, then upon the date when such legislative, regulatory or judicial action has the force and effect of law, this franchise may be at any time thereafter terminated by either party upon ninety days written notification to the other. This franchise supersedes any and all former rights or franchises of Duke Energy to operate an electrical utilities system in the City with respect to all acts and things done or admitted to be done, on or after _____, 20__.
- 2.7 Duke Energy is hereby granted the right during the existence of this franchise to mortgage or hypothecate this franchise, together with all rights and privileges hereunder and any right or interest therein, as security for indebtedness, subject to acceptance by any legal successor in interest of the obligations, duties, liabilities, limitations and prohibitions set out herein and subject to approval by the North Carolina Utilities Commission or other government agency whose approval is required by law. Duke Energy may not assign or transfer its rights under this franchise agreement without the express consent of the City Council Members and such consent shall not be unreasonably withheld, provided, however, that this provision shall not require Duke Energy to obtain permission from the City Council

- Members prior to assigning its rights hereunder to any new entity created in any corporate reorganization or merger in which Duke Energy is a party.
- 2.8 Duke Energy shall save the City, Mayor, City Council Members, and the City’s officers, agents, servants and employees, harmless from all loss against any and all claims, suites, actions, liability, and judgments for damages (including but not limited to costs and expenses for reasonable legal fees and disbursements and liabilities assumed by the City in connection therewith) sustained by the City or the Mayor or the City Council Members, or the City’s officers, agents, servants or employees, on account of any suit, judgment, execution, claim, or demand whatsoever resulting or in any manner arising from sole negligence on the part of Duke Energy, its officers, agents, servants and employees in the construction, erection, operation and maintenance of its electric distribution system or the conduct of its business, such negligence having been determined by final order of a court of competent jurisdiction, not subject to appeal.

III. ACCEPTANCE OF FRANCHISE

This Ordinance shall take effect from the day of its passage, but only after it has been accepted in all its terms and revisions by Duke Energy, in writing, within sixty days after its passage otherwise, the same shall be null and void and of no effect.

This Ordinance was passed by a majority vote of the City Council Members of the City of Eden, at the regular meeting of the City Council Members held in the City of Eden, North Carolina on the _____ day of _____, 20__ and was again passed by a majority vote of the City Council Members of the City of Eden for the second time at the regular meeting held in the City of Eden North Carolina, on the _____ day of _____, 20__.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

REPORTS FROM STAFF:

- a. City Manager’s Report

Mayor Hall called on Mr. Mendenhall.

Mr. Mendenhall said he was pleased to enter into the record the October 2021 City Manager’s Report and he would be happy to answer any questions.

Mayor Hall 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.

City Manager’s Report: October 2021 City Manager Jon Mendenhall

ADMINISTRATION

Division of Design & Construction

Street Resurfacing

Construction on the FY 2021-22 Street Resurfacing Contract No. 1 started the first week of October. Portions of the following streets will be resurfaced: Henry Street, Park Road, Knight Street, Taft Street, and Mill Avenue. As streets are posted for construction, please remove all vehicles from the street and travel with caution. NCDOT has finished installing all of the permanent pavement markings along the recently resurfaced section of Washington Street. The City of Eden will be installing the decorative crosswalks in the spring of 2022.

Northridge Mobile Home Park – Roadway Construction

Construction of the new roadways in the Northridge Mobile Home Park are scheduled to resume in October. The developer completed the clearing and grading late last year but was unable to complete the construction due to contractor availability.

Proposed Crosswalk – Morgan Road

NCDOT Traffic Services has approved the installation of a pedestrian crosswalk on Morgan Road at The Cook Block as long as the City meets NCDOT’s lighting requirements. Staff is currently working with Duke Energy to obtain cost estimates on pedestrian lighting and flashing beacons. Once the total cost has been determined, staff will request a recommendation from Council.

Water Main Projects Update

The new 6-inch diameter water main installed by Collection and Distribution Division employees in Bridge Street passed the last testing on September 9. Customers have been switched over to the new water main and both temporary waterlines have been removed. Initial compaction tests indicate that additional backfilling and tamping will be required prior to allowing the Streets Department Division to patch the pavement cut along the west side of the road.

A crew from Haymes Brothers, Inc. started installing a 16-inch diameter water main in an unopened right-of-way east of S. Edgewood Road on September 2. The crew encountered some hard rock while digging for a bore pit on the east side of a small stream crossing. Roughly 40 linear feet of ductile iron pipe was pushed through the 24-inch diameter encasement pipe at the completed bore on September 17. The crew stopped approximately 130 feet west of a proposed bore at the railroad tracks, with about 1,820 linear feet of water main installed during the month.

Marketing Office

Chili Cook-Off

We are very excited about the Uptown Eden Merchants Chili Cook-Off set for October 30 from 11 a.m. until 2 p.m. There will be three winning categories – Mild, Hot, and People’s Choice. You can also enjoy vendors, Allen’s Family Catering, and music by the Fractured Hippies Band. There will be a \$25 fee for those wanting to cook and enter their chili into the cook-off. Bring the heat!

Heritage & Heroes

This is going to be such a special event. We are proud to have partnered with the American Legion Post 254 to bring the largest traveling replica of the Vietnam Veterans Memorial Wall to Eden. The Vietnam Wall is 360 feet in length and 8 feet at its apex. It is an 80% replica in size and 100% in content. The Vietnam Wall will be escorted to Freedom Park on October 13 and will open to the public on October 14 at noon, remaining open 24 hours until October 17 at 3 p.m. At that time, there will be a special walk through for Vietnam Veterans.

On October 16 we will celebrate the Vietnam Wall with a Heritage & Heroes event that will include the 82nd Airborne Band, Veterans Speakers Tent, military vehicles, activities for kids, food, and more. The event runs from 10 a.m. to 4 p.m. in the ball field parking lot. See you there! There will not be an admission fee but non-perishable food items will be accepted for the Rockingham County Veterans Coalition Food Pantry.

RiverFest

We would like to thank everyone who attended RiverFest this year and made it one of the best ever! We had record crowds come for two days of great music, delicious food, axe throwing, activities for kids, butterflies, artisans and crafters, and so much more. A huge shoutout to all of our City employees and volunteers who worked tirelessly to make it as seamless as possible. Everyone did an outstanding job! Looking forward to 2022!

Treat Street

The Uptown Eden Merchants will be hosting their annual Treat Street on October 29 from 3 to 5 p.m. along Washington and Monroe Streets. The costume contest will take place in Jean Harrington Park at the corner of Washington and Henry Streets at 5:15 p.m. Get your costumes ready and we will see you there!

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, skateboard park, basketball courts, 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, mahjongg, 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. “My Senior Center” software is now being used to keep participants informed through email with newsletters and calendars of services and programs they might be interested in.

Special Events

Join us for our Spook-Tacular Saturday at Freedom Park on October 30 from 2 until 5 p.m. It will be free fun for the entire family and will take place on the park playground. The spooky fun will include a DJ, games (Zap the Zombie!), cake walk, and costume contests with prizes.

Sports Programs

There will be an organizational meeting for women’s fall volleyball on October 21 at 6 p.m. at Eden City Hall. Games will start in November. Call Terry Vernon for more information at 336-623-2110.

Youth basketball registration for ages 4-19 (18- & 19-year-old players must be enrolled in and attending high school) began on October 1 and is free! Games will be played on weekdays. Register online at www.edennc.us, at Eden City Hall, Bridge Street Recreation Center, or Mill Avenue Recreation Center.

The Prowlers football teams are practicing on Mondays, Tuesdays, and Thursdays from 6 until 7:30 p.m. with games being played on Saturdays. The Prowler cheerleaders are practicing on Mondays, Fridays, and Saturdays. They do a great job encouraging our players at the Saturday games.

PLANNING & COMMUNITY DEVELOPMENT

Collections

Payments received for code enforcement fees during the month of September consisted of \$1,267.72 from the Rockingham County Tax Department and \$350 by the City.

Community

Eden Downtown Development Incorporation received a \$25,000 Hometown Revitalization grant award from the Duke Energy Foundation.

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 is presently awaiting to receive the release of funds notification.

Inspections and Permits

Total Inspections Performed-September:	190 (not including fire inspections)
Total Permits Issued-September	116

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 possibly submit to Council in the fall.

Ray Commons Landmark

The landmark designation for Ray Commons, the former John B. Ray building, has been approved by the Historic Preservation Commission and will be presented to Council in October.

Downtown and Economic Development Activities

The Boulevard

Downtown Deli expanded its footprint to an adjoining building at 234 The Boulevard.

Draper

Staff has been working with N.C. Wildlife Resources staff to develop a proper boat landing at Draper Landing.

Uptown Eden

The QR code, Wi-Fi, and webcam are in progress with the Information Technology Department.

Other

NextCare

The new urgent care facility project is ending as they are currently in the process of moving in and setting up.

Purina

The project is moving along at a rapid pace. The training area has been released for occupancy with more areas expected to be released by the end of the year.

b. Report on advisory committee proceedings.

(1) Strategic Planning Commission.

Mayor Hall called on Staff Advisor Cindy Adams.

Mr. Mendenhall said the Strategic Planning Commission had no items before Council for the meeting and requested the next item be presented.

(2) Planning organization boards.

Mayor Hall called on Ms. Stultz.

Ms. Stultz said the boards had met and were discussing how to move forward with their projects. The most important things that had been happening recently had to do with the public meetings they held in Uptown Eden and in Grogan Park to try and get input from citizens about various things they wanted to see. The City was seeing decent feedback on the public surveys. She encouraged anyone who had not completed one to please do so. They were available on Facebook and there were paper copies in the department. The more responses they got, the better idea the City had of what citizens really wanted to see.

(3) Parks Commission

Mayor Hall called on Staff Advisor Terry Vernon.

Mr. Vernon said the commission met October 5 with five of nine members attending. One of the items reviewed was the New Street mountain bike trail. A meeting had been set up with Tony McGee, a professional landscape consultant and competition level cyclist who had first met with the City early in the year, and four of the commission members and staff. Mr. McGee thought New Street was a good place for the trail with between a potential of five and six miles. The commission was behind the project and agreed to explore it further. Another item the commission discussed was the unification of all the sports programs in Eden. He thought the programs would be much better if all the organizations got together. That would bring more numbers, more participation. He would have to meet with the Eden Boys & Girls Club and the Eden Family YMCA to discuss it. It had been in the works for years and it had not been done yet. The commission had discussed the deposit on Freedom Park ballfields. The City had been losing money for several years because no deposit was charged when the fields were booked. They were reserved all year. Often those people booked

other places as well and would not have enough teams to follow through at Freedom Park, leaving the park sitting idle. The commission approved requiring a \$300 deposit for a weekend reservation, which would be returned in case of inclement weather. If someone booked the field and failed to show, the City would keep the \$300. The commission would meet again December 7.

Council Member Hunnicutt asked if regarding the athletics program with the Boys & Girls Club and the YMCA, Mr. Vernon would set up a joint meeting with all three boards.

Mr. Vernon said he intended to go over and talk to the directors. It was his understanding that the YMCA would be getting a new director. He would go from there.

Mr. Mendenhall noted there were a couple of things that came up in the September City Council meeting: workplans for both the planning organizations and the parks commission. There were some budgetary requests for Council to consider. He called on Ms. Stultz.

Each fiscal year the Planning and Community Development Department prepares a work plan for all of the anticipated projects and responsibilities. The Planning Organization Boards and Commissions are a part of that work plan. Attached you will find the work plans developed by the Historic Preservation Commission, the Community Appearance Commission, the Tree Board and the Planning Board for fiscal year 2021- 2022.

Board/Commission	Budget Request
Historic Preservation Commission	\$2,000
Community Appearance Commission	\$1,500
Tree Board	\$5,000
Planning Board	\$17,000
TOTAL	\$25,500

FISCAL YEAR 2021-2022

<u>HISTORIC PRESERVATION PROGRAM</u>	<u>AGENCY</u>	<u>EST. COST</u>	<u>QUARTER</u>
Historic Landmark Designation and Compliance Program	HPC	N/A	1-4

The first part concerns the preparation of local designation reports by the Historic Preservation Commission and staff that provides justification for specific properties to be designated historic landmarks. Reports must be submitted and reviewed by the State Historic Preservation Officer's Office. The second part concerns the on-going administrative and quasi-judicial process that insures that modifications and construction affecting locally designated historic landmarks preserves the architectural and historical significance of the landmark.

Sale of <i>A Tale of Three Cities</i>	HPC	N/A	1-4
The HPC encourages its work through promoting the sales of its publication.			

Certified Local Government Program	HPC	N/A	1-4
The State of North Carolina has a program that certifies local government agencies in their historic preservation programs. Certification has several benefits including additional eligibility for grant funds. The Commission has achieved this status and must maintain an activity level to keep the designation.			

Gus Shinn Mural	HPC	\$2,000	TBD
Hire a professional muralist to paint a mural in the Spray area, recognizing this retired Naval Aviator from Spray, who was the first person to land a plane in Antarctica.			

Draper Racetrack Historic Marker	HPC	No cost (NCDOT)	TBD
Commission plans to apply for a State Historic Marker at the site of the old race track (Gant Road) to recognize the track's contribution to the development of NASCAR in North Carolina.			

Historic Properties Workshops	HPC	Dept. Budget	TBD
Develop and facilitate workshop(s)			

<u>COMMUNITY APPEARANCE PROGRAM</u>	<u>AGENCY</u>	<u>EST. COST</u>	<u>QUARTER</u>
Adopt-A-Street/Adopt-A-Spot Program	CAC	Dept. Budget	1-4
This is an on-going litter control program that allows community groups, businesses, industries, and individuals to adopt City streets or specific spots for litter control.			

Monthly Appearance Award Program	CAC	N/A	1-4
This is an on-going program that recognizes business and industry for improving the appearance of their properties. Recognition is in the form of a certificate presented to the property being honored.			
Downtown Planters	CAC	Street Dept.	1-4
Replanting/refreshing City planters in the Leaksville, Draper & Boulevard downtown areas seasonally, typically in the fall and spring.			
Draper Sign	CAC	\$1,000	TBD
Placement of a "Draper" sign in the traffic island at Fieldcrest Road & Main Street at the entrance to downtown.			
Boulevard Mural	CAC	\$500	TBD
Repainting of the old "Boulevard" ghost mural on Irving Avenue at the Boulevard.			
Fire Hydrant Painting	CAC	Dept. Budget	1-4
Expanding the downtown hydrant painting program to include the whole city.			

<u>TREE PROGRAM</u>	<u>AGENCY</u>	<u>EST. COST</u>	<u>QUARTER</u>
Annual Tree Obstruction Inventory	Tree Board	N/A	3
An annual inventory in which Tree Board members survey the streets in the City for tree obstructions and notify the appropriate agency. (i.e., Duke Power, City of Eden, N.C.D.O.T.)			
Annual Arbor Day Observance	Tree Board	N/A	3
An annual program to promote and acknowledge the City's observance of Arbor Day. Typically done in the elementary schools, but if not able to do so, we will work with another civic agency or provide a virtual program to the schools.			
Tree City USA Award	Tree Board	N/A	2
The board plans to continue to maintain the Tree City USA designation.			
Highway 14 Tree Replacement	Tree Board	\$5,000	2-4
Continually replace dead, damaged or missing trees along the Hwy. 14 corridor.			
Misc. Tree Planting and Removal	Tree Board/Facility Maintenance	TBD	1-4
Identification of trees on public property which need to be removed and planting of new trees on public property as appropriate.			

<u>PLANNING BOARD PROGRAM</u>	<u>AGENCY</u>	<u>EST. COST</u>	<u>QUARTER</u>
Uptown Eden and Draper Small Area Plans	Planning Board	\$17,000	1-4
Development of small area plans for improvements in these downtown areas.			

Ms. Stultz referenced the above memo to Council about the boards and commissions workplans. The request had been cut in half. She asked that Council approve the funding so the boards could continue their important work for the year. The largest amount of money was \$17,000 for the Planning Board for their small area plans.

Council Member Ellis asked if the four amounts had been in the budget in the past year.

Mr. Mendenhall said they were in the contingency plans for this fiscal year so they were covered in the budget and part of the plan for this year.

Council Member Hunnicutt asked if the request was approval of the funds.

Mr. Mendenhall answered that was correct. At the joint meeting of boards and commissions in the summer, Council requested plans and budgets. The workplans were brought back in September and the numbers were a bit high. Those had been pared down and stretched out and it had been determined what they should ask for in the upcoming fiscal year so they would not have to go through the process again. He noted that the Parks Commission had also submitted a workplan and budget (memo below).

Introduction: In the 2021-22 budget it is anticipated that a work planning process would occur for advisory boards and committees. The work planning report was discussed in July, 2021 in a joint meeting. Below is the work plan of the Parks Commission.

Plan Scope: Current Fiscal Year Work Plan

Minutes of the October 19, 2021 meeting of the City Council, City of Eden:

- Eden Athletics Program \$60,000
- Relocate Miniature Golf Course \$25,000 (not including new dog park fence)
- New Street Park (bike trail, hiking trail, walking trail, disc golf) (Potentially use PART-F funds)

Eden Athletics Purpose: To establish a non-profit arm of the City to facilitate a uniform, consolidated, and community Centric approach to athletics (hereafter “Association) would be the premier community led organization for youth athletics in the greater Eden Area.

Components: Non-profit board consisting of the Parks Commission as ex-officio members plus chairperson of each: the local YMCA, the local Boys & Girls Club, and a representative of the School Board. The Parks & Recreation Director would serve as the ex-officio Executive Director.

The following athletic programs would be the focus for youth:

- Football
- Cheerleading
- Baseball
- Basketball
- Swimming
- Tennis
- Soccer

Service: The Association would rely on a funding model of athletics to all Eden City Residents. A participation charge at a flat rate for each program amounting to a 50/50 split between program participant and City with the City providing 100% of the coaching stipend (\$4,500 for Head Coach, \$2,500 for Assistant Coach for each program) and with the City providing 100% of equipment/facility costs.

Interagency Support: The Association would contract/rent facilities from the local YMCA, the Boys & Girls Club and the School System, utilize employees of these organizations to staff/fill roles as appropriate and to ultimately work in cooperation with organized sports provided by Holmes Middle School and Morehead High School operating as a feeder program thereof.

Foreseen Use Agreements

- YMCA: fields, indoor swimming pool
- Boys & Girls Club: fields
- Schools: fields, tennis courts

Mr. Mendenhall pointed out there was an Eden Athletics proposal, relocation of the miniature golf course and the New Street park in the workplan. Funds had been attached to the Eden Athletics proposal and the relocation of the miniature golf course, but not the New Street park. Intentions were to study New Street more and use some PART-F funds process in the future. Those were the packages being asked for by the appointed boards and commissions who did not have a budget that they normally operated on.

Mayor Hall referenced the Eden Athletics budget, asking if it was contingent on it being established and agreed on by the YMCA and Boys & Girls Club.

Mr. Mendenhall said that was correct. It was the intent to try and establish some of the programs in the fall. The City had always had basketball and tried baseball and other programs but they felt like, to Mr. Vernon’s point, that the programs would be much better and have more participation if the organizations came together to do it.

Mayor Hall agreed. He questioned if there were estimates to actually move the miniature golf course.

Minutes of the October 19, 2021 meeting of the City Council, City of Eden:

Mr. Mendenhall felt like it could be done mostly in-house except for the fence work. They felt that \$25,000 would cover it. For the Heritage and Heroes event, the course was moved to the Freedom Park water tank and the field was cleared for the Vietnam Wall exhibit. The course now needed to move where the dog park was located, but they did not want to close the dog park until it had been relocated. There was a little bit of a shuffle going on to get all that accomplished.

Council Member Hunnicutt made a motion that the \$25,500 funding ask for the Historic Preservation Commission, Community Appearance Commission, Tree Board and Planning Board be approved. Council Member Carter seconded the motion. All members voted in favor. The motion carried, 7-0.

Council Member Hunnicutt questioned if approval for the funding of the Eden Athletics program was being requested in advance of talking to the YMCA and the Boys & Girls Club.

Mr. Mendenhall advised this was a proposal from staff to understand what the budget would be. Most of the funding was available now. It already had football in it and to Mayor Hall's point, it was working really well. It was a consolidation of those programs to give a budgetary cost of what they would be if the City were to move down that road. They did not have to approve anything until there was an agreement in place. It was a little bit of foresight as to what they were looking at.

Council Member Hunnicutt said Mr. Mendenhall was saying it was informational only.

Council Member Ellis said as far as recreation, they needed to go ahead and work through it and help the committees out. They were finding out it was important to stay current with what other municipalities around the county were doing for the youth. The department needed to be progressive and move in a positive direction.

Mr. Mendenhall noted some of the funds were already allocated. The football program was already there. They were trying to make basketball for the fall and baseball for the spring, it depended on the numbers. Working together was the new component.

Mayor Hall said they were not voting on funding the project, just getting a consensus on moving forward with it.

It was the consensus of Council to move forward with the program as outlined.

CONSENT AGENDA:

- a. Approval and adoption of the September 21, 2021 regular meeting minutes.
- b. Adoption of an ordinance to add Article II Noise to Chapter 6 of the Code of Ordinances.

Ms. Stultz wrote in a memo that the City updated its planning and land use regulations in 2020, in which many ordinance sections were moved, deleted, or replaced in the City Code of Ordinances. The noise provisions were inadvertently removed. The proposed ordinance was identical to the provisions in the City Code in 2020. She requested that Council adopt the proposed ordinance.

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF EDEN

Minutes of the October 19, 2021 meeting of the City Council, City of Eden:

BE IT ORDAINED BY THE CITY COUNCIL of the City of Eden, North Carolina, that, Chapter 6, of the Eden City Code is hereby amended by adding the following:

Article II: NOISE

Division 2 Noise

§6-36 UNREASONABLY LOUD NOISES PROHIBITED.

It shall be unlawful for any person to create or assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing and unnecessary noise in the city. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited. Penalty, see § 1-16, 16.1 and 16.2

§6-37 ACTS DECLARED TO BE IN VIOLATION.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive:

(A) The sounding of any horn or signal device or any device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound, and the sounding of such device for an unnecessary and unreasonable period of time;

(B) The use of any gong or siren upon any vehicle other than a police, fire or other emergency vehicle;

(C) The use or operation of any piano, whether manual or automatic, phonograph, radio, loudspeaker or any other instrument or sound-amplifying device so loudly as to disturb persons in the vicinity thereof or in such a manner as renders the same a public nuisance; provided, however, that upon application to the Mayor, permits may be granted to responsible organizations to produce programs in music, speeches or general entertainment;

(D) The keeping of any animal or bird which by causing frequent or long-continued noise disturbs the comfort and repose of any person in the vicinity;

(E) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise;

(F) The blowing of steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger;

(G) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

(H) The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced;

(I) The erection, including excavation, demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in the case of urgent necessity in the interest of public safety and then only with a permit from the City Clerk which may be renewed for a period of three days or less while the emergency continues;

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(J) The creation of any excessive noise on any street adjacent to any school, institution of learning or court while the same are in session or within 150 feet of any hospital which unreasonably interferes with the working of such institution, provided that conspicuous signs are displayed in such streets indicating that it is a school, court or hospital street;

(K) The creation of any excessive noise on Sundays on any street adjacent to any church, provided that conspicuous signs are displayed in such street adjacent to churches indicating that it is a church street;

(L) The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers;

(M) The shouting and crying of peddlers, barkers, hawkers and vendors which disturb the quiet and peace of the neighborhood;

(N) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, sale or display of merchandise;

(O) The use of any mechanical loudspeakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes except where specific license is received from the City Council;

(P) The conducting, operating or maintaining of any garage or filling station in any residential district so as to cause loud or offensive noise to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m.;

(Q) The firing or discharging of fireworks, squibs, crackers, gunpowder or other combustible substances in the streets or elsewhere for the purpose of making noise or disturbance except by permit from the City Council.

Penalty, see § 1-16, 16.1 and 16.2

Statutory reference:

Authority to regulate noise, see G.S. § 160A-184

APPROVED, ADOPTED AND EFFECTIVE, the 19th day of October, 2021.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

c. Approval of appointment to the Tree Board.

Ms. Stultz wrote in a memo that two Tree Board members, Brian Ferris of Ward 3 and Tyra Hinton of Ward 7, had missed at least three meetings since the board resumed in-person meetings in April. According to Article 2.09-D of the Unified Development Ordinance, the members needed to be either reappointed or replaced. Council Member Hampton chose to appoint Jenna Ellis for Ward 3 and Council Member Ellis chose to appoint Jim Ivie for Ward 7.

d. Approval of a proposed water main extension by Dan River Water, Inc. to serve Lillard Road.

Division of Design and Construction Manager Bev O'Dell wrote in a memo that Utility Supervisor Mike Lemons of Dan River Water, Inc. requested Council grant approval for the proposed installation of roughly 2,200 linear feet of 8-inch diameter PVC water main along Lillard Road (SR# 1908), southward from the intersection with NC 700. Approval of the proposed improvements was being requested in accordance with the water purchase agreement between the City of Eden and Dan River Water, Inc. The improvements were intended to serve six single-family residences that were to

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be built off Lillard Road as a 35-acre tract of land was developed. Preliminary plans for the proposed water main improvements, as prepared by William E. Mitchell Associates, were provided to Council for review, along with Mr. Lemons' letter and the Engineer's Report for the project. It was recommended that the proposed Dan River Water, Inc. water main extension along the northern point of Lillard Road be allowed to proceed towards obtaining plan approval from Public Water Supply Section, then installed.

e. Succession plan in the Utilities Group in the Public Works Department.

Mr. Mendenhall wrote in a memo that due to anticipated retirements within Public Utilities, a succession plan had been developed to allow succession planning, training, cross-training, and continuity of service to the public to be accomplished. There was currently one plant operator vacancy. There were also two employees pending retirement as a plant operator and a plant maintenance mechanic. The plan suggested elevating the water plant superintendent as water and wastewater superintendent, responsible to the utilities manager for the direction and supervision of the Water Treatment Plant, Wastewater Treatment Plant, and Water Resources. The chief operator at each plant would be recasted as the person in charge of the plant and holding the Operator in Responsible Charge (ORC) licensure, which was a State requirement. Water Resources would be comprised of three units reporting directly to the Water and Wastewater Superintendent: (1) Water and Sewer Systems Unit; (2) Maintenance Unit; and (3) Lab Unit. The succession plan would result in a cost savings of \$175,000. He requested Council authorize the proposed succession plan and make the following classification changes and authorized positions: (1) Water and Wastewater Superintendent-one position in pay grade 18; (2) Water-Sewer Systems Operator I, II, III, IV-two positions in pay grades 9, 10, 11, and 12; (3) Lab Technician I, II, III-one position in pay grades 8, 9, and 10; and (4) Water Quality Specialist I, II-one position in pay grades 11 and 12.

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

ANNOUNCEMENTS:

Mayor Hall thanked Marketing & Special Events Manager Cindy Adams for the Heritage and Heroes event. It was a great experience and he hoped everyone got to go by and see the wall and listen to the veterans' stories. He asked Ms. Adams to give the rundown.

Ms. Adams said it was an honor to work with American Legion Post 254. Any time an event was done like that one, the treasure taken away was friendships. They had forged a lot of great friendships with those men and heard a lot of great stories. There was a lot of emotion at the wall. A lot of people could not come because of the emotion and memories. It was something she thought a lot of people would not forget. A lot of people from out of town came. The 82nd Airborne Band was a great experience. The band did research on Eden before they came and said they wanted to play at RiverFest. In a couple of years, the City would look to have a 9/11 exhibit and invite students to come. Upcoming, there were lots of events in Uptown Eden and on The Boulevard for kids. Winterfest would be Friday, December 3 from 5:30-8:30 p.m. in Grogan Park.

Mayor Hall thanked Ms. Adams for what she had done and what she had planned. A lot of good things were happening. He noted that both Council Members Ellis and Hampton were recovering and he wished them full and speedy recoveries and hoped to see them in person next month.

Council Member Hampton thanked him and said she hoped to be back in person at the next meeting.

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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

CITY OF EDEN – MEMORANDUM

TO: HONORABLE MAYOR NEVILLE HALL AND CITY COUNCIL MEMBERS

THRU: JON MENDENHALL

FROM: TERRY VERNON

DATE: NOVEMBER 8, 2021

SUBJECT: CONSENT AGENDA ITEM FOR FREEDOM PARK FIELD RENTAL

As of now the Freedom Park ball fields are bid out in December each year for the upcoming year. There is no deposit required and many times during the upcoming year, the ball fields sit idle due to the renters choosing to play in other locations. I have talked with some other municipalities and found what I believe to be a good solution to the problem. The original thought was to require a \$100 deposit per field to be paid when the fields were reserved in December. However, that would likely result in very few renters as it would require organizations reserving ten weekends to pay \$3,000 up front. Therefore, it is recommended to allow each organization to list the weekends that they want to reserve the field(s) and after City staff completes the upcoming year's schedule, the organizations will be contacted and made aware of the weekends they were approved for. If the organizations decide not to use the field(s) at least two weeks prior to the rental date and the City is able to find another renter, the original organization would not owe anything. However, if the City is unable to secure another renter for that weekend, the original organization must pay a deposit of \$300 to the City. Deposit refunds will be issued due to inclement weather.

ORDINANCE AMENDING THE TAX AND SERVICE RATES FOR PARKS AND RECREATION FOR CITY COUNCIL OF THE CITY OF EDEN

WHEREAS, the Tax and Service Rates for the City of Eden is set forth in the FY 2021-2022 Budget and sets forth the applicable fees for the fiscal year beginning July 1, 2021 and ending June 30, 2022; and

WHEREAS, the Parks and Recreation fees are included in the Tax and Service Rates; and

WHEREAS, it is the intent of the City of Eden to set fair and reasonable fees for Parks and recreation services and to make necessary and reasonable accommodations for the expenses likely to be incurred in operating these recreational services; and

WHEREAS, the City of Eden desires to amend the rates listed in Section 9 (Parks and Recreation Fees) of the City of Eden Tax and Service Rates as listed below; and

BE IT ORDAINED by the City Council of the City of Eden, North Carolina, that Section 9, Tax and Service Rates, Sub-Section 9 Parks and Recreation Fees set forth in FY 2021-2022 Budget Ordinance is amended as follows:

9. PARKS & REC RECREATION FEES

Softball Field Rental (Includes tournament use)

City Residents Field Rental - \$70.00 per day Mill Ave, Dehart / Freedom \$300 per field (1) field lined per day if no-show
Non-City Residents Field Rental - \$100.00 per day Mill Ave, Dehart / Freedom \$300 per (1) field lined per day if no-show
City Residents Lighting Use - \$15.00 per hour
Non-City Residents Lighting Use - \$20.00 per hour
Field Equipment Rental - \$25.00 per day
Refundable Damage Deposit - \$50.00

APPROVED, ADOPTED AND EFFECTIVE this _____ day of November, 2021.

CITY OF EDEN

By: _____
Neville Hall, Mayor

ATTEST:

Deanna Hunt, CMC
City Clerk



EDEN FIRE DEPARTMENT

MEMO

To: Honorable Mayor and City Council
From: Todd Harden, Fire Chief
Date: 11/05/21
Subject: Fire protection contract with Rockingham County

The contract between the Eden Fire Department and Rockingham County states our fire department will provide fire protection to any county building within the Eden Fire Department jurisdiction and will provide mutual aid assistance to other county departments upon request. Per the contract, the National Incident Management System (NIMS) will be utilized on emergency scenes. The contract provides that Rockingham County pay the City of Eden Fire Department \$2,400 a year and it will be in effect until June 30, 2022.

This type of contract is one we have entered into in previous years with no issues. It has been reviewed by City Attorney Erin Gilley and myself and we recommend Council's approval.