

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@edennc.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. HPC1-21-01.

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;

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

(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

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

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.

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

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