

**EDEN CITY COUNCIL
REGULAR MEETING AGENDA
June 15, 2021 at 6 p.m.
Council Chambers**

1. Meeting called to order by: Darryl Carter, Mayor Pro Tem
2. Invocation: Bernie Moore, Council Member
3. Pledge of Allegiance: Led by Todd Harden, Interim Fire Chief
4. Proclamations & Recognitions
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 sidewalk encroachment agreement.
Erin Gilley, City Attorney, and Paul Dishmon, Director of Municipal Services
11. Reports from Staff:
 - a. City Manager's Report. **Jon Mendenhall, City Manager**
 - b. Report on advisory committee proceedings. **Jon Mendenhall, City Manager**
12. Consent Agenda:
 - a. Approval and adoption of the May 18, 2021 regular meeting minutes. **Deanna Hunt, City Clerk**
 - b. Approval of a pyrotechnics permit for the Kiwanis July 4th fireworks display.
Todd Harden, Interim Fire Chief
 - c. Adoption of Budget Amendment #12. **Tammie McMichael, Director of Finance & Personnel**
 - d. Adoption of Budget Amendment #13. **Tammie McMichael, Director of Finance & Personnel**
 - e. Adoption of Budget Amendment #14. **Tammie McMichael, Director of Finance & Personnel**
 - f. Adoption of Budget Amendment #15. **Tammie McMichael, Director of Finance & Personnel**
 - g. Adoption of Budget Amendment #16. **Tammie McMichael, Director of Finance & Personnel**
 - h. Adoption of Budget Amendment #17. **Tammie McMichael, Director of Finance & Personnel**
 - i. Adoption of Budget Amendment #18. **Tammie McMichael, Director of Finance & Personnel**
 - j. Adoption of Budget Amendment #19. **Tammie McMichael, Director of Finance & Personnel**
 - k. Adoption of Budget Amendment #20. **Tammie McMichael, Director of Finance & Personnel**

- l. Adoption of Budget Amendment #21 and adoption of a resolution to receive federal funds under the American Rescue Plan Act. **Tammie McMichael, Director of Finance & Personnel**
 - m. Consideration to adopt an ordinance to define a Municipal Service District for property owners within the confines of The Boulevard commercial area (second vote).
Randy Hunt, Community and Economic Development Specialist
13. Announcements
14. Adjournment

CITY OF EDEN – MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL

THRU: JON MENDENHALL, CITY MANAGER

FROM: ERIN GILLEY, CITY ATTORNEY, PAUL DISHMON, PUBLIC WORKS DIRECTOR

DATE: JUNE 4, 2021

SUBJECT: SIDEWALK ENCROACHMENT AGREEMENT

Based upon a request from the Property Owner at 625 Washington Street to repair and fill in the stairway that is located in the city sidewalk (right of way) off of Monroe Street, City Staff has drafted an encroachment agreement between the City and the Owner. The Agreement provides that the City will allow the Owner to temporarily encroach into the City right of way to perform the construction. The construction will be based upon a professional engineer's recommendation, included in the Agreement. The Owner will employ his general contractor to install pourable fill concrete in the opening. All openings from the building will be welded and covered prior to filling with concrete. Owner and general contractor will be responsible for all liability to its building as result of the construction work. Owner and general contractor will maintain liability insurance to cover this.

The Agreement also provides that the City will reimburse the Owner for the cost of this work up to \$20,000 because the stairs, opening and grate are located in the right of way. Staff has reviewed the cost of materials for the job and believes this price is reasonable. Once the project has been completed, City staff will proceed to pour the sidewalk as part of its sidewalk repairs on Monroe Street.

Please consider this agreement at your June 15, 2021 meeting, and do not hesitate to contact me if you should have any questions.

ROCKINGHAM COUNTY

NORTH CAROLINA

AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2021, by and between the City of Eden, a body politic existing under the laws of the State of North Carolina, herein after referred to as “City,” and the Carpino Investments 2, LLC, a North Carolina corporation, hereinafter referred to as "Property Owner",

WHEREAS, the City is a municipal corporation that owns and maintains rights of ways including streets and sidewalks,

WHEREAS, Property Owner is the owner of 625 Washington Street, Eden, NC hereinafter referred to as the “Property” and is in the process of renovating the historic four- story brick construction, hereinafter referred to as the “Building” and has constructed 27 new apartments inside the Building which is adjacent and abutting the City sidewalk; and

WHEREAS, said sidewalk contains an opening with concrete steps leading from the ground level to the bottom of the building foundation and also contains a steel grating as part of the sidewalk as described in the Engineering Plan dated June 3, 2021 by Daniel C. Smith, PE of Consulting Engineers, attached hereto as Exhibit “A” and incorporated herein by reference; and

WHEREAS, for aesthetic reasons, as well as the safety of the general public, it is to the material advantage of both Parties that this stairway space and the steel grating to be filled and removed, creating a smooth, unobstructed, continuous sidewalk; and

WHEREAS, Property Owner’s building contains openings that must be properly sealed during construction in order to protect the structural integrity of the building, and

WHEREAS, the purpose of this agreement is to provide the Parties hereto, a plan for the construction of the improvements, which will involve an encroachment by the Property Owner on to the City sidewalk, an Engineer’s scope of work to be followed during construction, and the reimbursement of costs as detailed below, in order to provide clear delineation of ownership, maintenance and liability of the sidewalk improvements.

NOW THEREFORE, in consideration of the mutual covenants contained herein by and between the parties hereto, it is hereby agreed to as follows:

1. City shall permit the temporary encroachment by Property Owner for the duration and completion of the scope of work as described in Exhibit A.
2. The Property Owner, through his General Contractor, shall make improvements to the sidewalk in accordance with the attached Exhibit A (Engineering Plan). Such installation

shall be permitted, approved and inspected by City of Eden Building Inspector. Any deviation or amendment to such plan shall be approved by City of Eden. Property Owner binds and obligates himself to install and maintain during construction the facility in such safe and proper condition that it will not interfere with or endanger travel upon said right of way (without City of Eden approval). Any interference with City right of way shall be coordinated through City Building Inspector.

3. Property Owner agrees to perform the work described and in accordance with Exhibit A, as well as having the concrete brought up to grade, prepped and ready for the City's installation of sidewalk concrete. Such work shall be to the satisfaction of City building inspector.
4. Property Owner hereby agrees to indemnify and save harmless the City from all damages and claims (including third parties and damages to Property Owner's property) for damage that may arise by reason of the construction and improvement to the sidewalk as allowed under this Agreement.
5. Property Owner through its General Contractor shall maintain general liability insurance as required by state of North Carolina. Such work shall be included in the permit issued to Property Owner's General Contractor for work already in progress at Property.
6. Upon completion of the work outlined in Exhibit A and to the satisfaction of City Building Inspector, Property Owner shall present to City all receipts for the costs of work, including labor and materials, performed and City shall reimburse Property Owner for any work listed in Exhibit A up to \$20,000. All costs shall be reasonable and based upon industry standards.
7. City shall pour sidewalk concrete along Monroe Street after the work has been completed by Property Owner and shall maintain the sidewalk thereafter. Property Owner agrees to assume all liability, release, indemnify and save harmless the City from all damages and claims including third parties that may arise from the Building or any other property as a result of the temporary encroachment and scope of work performed due to the installation of the flowable fill. Property Owner shall maintain the Building and Property, including any repairs and maintenance occurring subgrade.
8. Successors and Assigns. This Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the Parties. Specifically, the Parties agree that this Agreement shall run with the Property Owner's Property and all portions thereof and that it shall inure to the benefit of and binding upon all subsequent owners of the Property or any portion thereof.
9. Enforceability. This Agreement shall be governed and construed in accordance with laws of the State of North Carolina. This Agreement shall be enforceable by each party hereto

by all remedies available at law or in equity, including but not limited to specific performance.

10. Waiver. Failure or delay to exercise any right, remedy or privilege hereunder shall not operate as a waiver of such right, remedy or privilege nor prevent subsequent enforcement thereof.
11. Severability. If any portion of this Agreement is declared void or invalid the remainder shall be in full force and effect.
12. Entire Agreement. This instrument contains the entire Agreement between the Parties, and no statement oral or written, made by either Party or agent of either Party that is not contained in this written Agreement shall be valid or binding.

IN WITNESS WHEREOF, the parties have set their hands and seals as of the date set forth above.

CITY OF EDEN

BY: _____ (SEAL)
Neville Hall, Mayor

CARPINO INVESTMENTS 2, LLC

BY: _____
Michael Carpino, Member/Manager



City Manager's Report
June 2021
City Manager Jon Mendenhall

ECONOMIC DEVELOPMENT

Industry

Even though U.S. manufacturing activity surged to a 37-year high in March, the industry has more than 500,000 current job openings. Factories are struggling to find skilled workers for specialized roles such as welders and machinists. Manufacturers are even having trouble hiring entry-level positions that do not require expertise. “We have a perception problem. People don't know the jobs are here or that these are jobs they want,” Carolyn Lee, executive director of the Manufacturing Institute, said. The talent shortage is not new but it is getting worse and could have far-reaching consequences beyond the manufacturing industry itself. As many as 2.1 million manufacturing jobs will be unfilled through 2030, according to a study published by Deloitte and The Manufacturing Institute. The report warns the worker shortage will hurt revenue, production and could ultimately cost the U.S. economy up to \$1 trillion by 2030. The study points to the top reasons these positions tend to go unfilled, with new entrants having different expectations for jobs and careers topping the list (38%), followed by lack of attraction or interest in the industry (36%) and retirement of baby boomers (34%).

Eden's Nestle Purina facility plans a public area where students can view the manufacturing facility to understand that modern manufacturing is a clean and sophisticated process that yields good wages and potential for career growth.

Virtually all Eden industries and many commercial businesses are eagerly seeking employees. If you need a job, check the N.C. Works website to learn about the opportunities in Eden and Rockingham County.

Southern Finishing: Now Hiring!

Southern Finishing has assumed most of the former AC Furniture location on N.C. 87 North in Eden. Headquartered in Stoneville, they manufacture, finish and ship prefinished wood products to many of the largest building product and furniture manufacturers in the U.S. Southern Finishing is a privately held company founded in 1978 and currently employs more than 500 people with 11 manufacturing and distribution locations in N.C., Virginia and Arizona. All shifts are hiring including general labor, warehouse, sprayers and sanders. Apply in person at ATC Staffing Solutions, 2873 N.C. 135 in Stoneville. Call 336-623-8180 or visit www.hirestandards.com for more information and to apply online.

Commercial

Simply MK Café

Simply MK Café opened June 7. Open Monday-Saturday 10 a.m. – 8 p.m. at 708 Washington St. They sell sandwiches, salads and hot dogs. You can order on the menu or build your own sandwich. Call 336-635-9140 for more information.

Linda's Paint Bar

Linda features paint classes, private parties and pottery painting at 201 E. Meadow Rd. inside Total Vintage Marketplace. Call 336-432-0041 for more information and to schedule an event.

Railroad Café celebrating over 60 years in business

The dining room is now open at the Railroad Café at 239 N. Main St. at 770 East. You can enjoy country cooking in a friendly atmosphere. Call 336-635-1709 for more information or to place takeout orders.

Ingrid's Cupcakes and Confections

What started as specialty cupcakes has blossomed into a wide variety of cake and buttercream flavors, hand-pressed butter mints, cookies, pies, cake pops, and more. All of Ingrid's products are made fresh, to order, and with nothing more than is needed. They are proud to say that they have moved to a commercial location and are no longer a home-based bakery. They are at 238 W. Kings Hwy., Suite B.

The Bette-R-Look Salon & Day Spa

Hair, nails, skincare and massage are offered at this 715 Washington St. business run by Bette Hutchens. TanMark's Tanning Salon is also located inside the salon and now has spray tans. Call 336-623-9912 for more information or to schedule an appointment.

Oak Hills Swim Club

Located at 436 East Stadium Dr., this swim club offers family-friendly pool with three pools from which to choose. Family memberships are \$500 and single memberships are \$250. New easy access steps and railings have been added for all pools. For an application, call 336-623-6381 or email kenan.wright@oakhillsgolf.net

ENGINEERING

Street Resurfacing Contract No. 2

Waugh Asphalt, Inc. finished resurfacing Kennedy Avenue, Patterson Street and Sherwood Court on May 17. Crews installed the shoulder stone on May 24 to complete the contract. Triad Road Maintenance reinstalled the pavement markings under a separate contract. This project has been completed.

NCDOT Road Resurfacing – Kings Highway

The resurfacing of Kings Highway has been completed. The permanent pavement markings are scheduled to be installed the week of June 7 weather permitting.

NCDOT Road Resurfacing – Washington Street

Delta Contracting and the Sharpe Brothers were scheduled to start construction June 7. The crews arrived on site but were delayed due to thunderstorms. NCDOT rescheduled the work for June 8.

Waterline Replacement Projects Update

An encroachment agreement has been obtained from NC DOT for the proposed Bridge Street waterline replacement project, but a date for the preconstruction meeting has not been set. The start of installation work by Collection and Distribution crews has not been established for the block between Irving Avenue and Oak Street. About a third of the materials needed for other water main replacement projects have been received. The rest of the materials are expected to be received by the end of June, with the possible exception of fire hydrants. Plans prepared by LKC Engineering, PLLC for four future water main replacement projects are expected to be submitted to Public Water Supply Section for review and approval before the end of June.

MARKETING AND SPECIAL EVENTS

Grown & Gathered

What a magical night along the Spray Canal! Once again, this signature farm to fork dinner sold out! Many thanks to all our guests, Jarrett Nycamp of Blissful Palette, Real Jazz, Mark Bishopric/Spray Mercantile, Proper Pour, Johnson's Florist and our wonderful farmers/growers/bakers. Plus, a special thank you to all our volunteers who help make the night the special evening it was. Our Summer Grown & Gathered is set for Thursday, August 12. Make your reservations now!

Piedmont Pottery Festival

Pottery fans were certainly ready to buy some beautiful pottery on June 5! Many of our potters had record sales and are asking for a fall show. Our guests came from all over North Carolina and Southern Virginia. Our show was smaller this year due to effects of Covid from the past year, but it was certainly mighty. Thanks to First Presbyterian Church for allowing us to use their beautiful facility for this popular event. A huge thanks goes out once again to our very special volunteers who help make the day go smooth.

Oink & Ale

Oink & Ale is set for Saturday, June 19 on Monroe Street in Uptown Eden! We have the Eagles tribute band On the Border playing live, barbecue and ribs, beverages, ax throwing and more all set to go. There is no admission fee. Thanks to presenting sponsor That Little Pork Shop along with all our other sponsors that make this event possible. We hope to see you all on Uptown Eden on the 19th! It's going to be a fun night!

Spray Mural

Make sure you go by Ramsey's Barber Shop on Morgan Road and see the new SPRAY mural! It is awesome!

PARKS & RECREATION

Eden Parks & Recreation offices are now located at the Bridge Street Recreation Center. The Bridge Street and Mill Avenue centers are open to the public from 11 a.m. until 7 p.m. Monday through Thursday and on Friday 10 a.m. until 6 p.m. Come out to exercise or play!

Freedom Park

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

The park hosted a fun Eden Youth Council/Eden Police Department Kickball Game on May 27.

Concerts in the Park were held twice in May. The upcoming concert is Saturday, June 26. The cruise in begins at 5:30 while the concert, featuring Remedy, starts at 6:30. Free admission. Concessions are available.

Garden of Eden Senior Center

The Garden of Eden Senior Center offers paint classes, mahjongg, pickle ball (mornings and evenings offsite), exercise classes, cornhole, knit and crochet, strength and balance, legal aid, quilt guild, Friends Club, bingo, watercolor class, craft class, senior tech classes and assistance and referral for seniors! In addition, the community garden they planted is doing great.

In May, we held a volunteer lunch and the Kiwanis Fishing Derby, as well as a virtual workshop in collaboration with AARP and a home invasion prevention workshop. The Senior Games also wrapped up in May with a picnic and awards ceremony at Freedom Park. For more information about the center, call 336-627-4711.

Pool and Splash Pad

The Mill Avenue Swimming Pool and the Splash Pad at Freedom Park are open! Pool admission is \$4 for a city resident. Season passes are available. Splash pad admission is \$2. Each of these facilities may be rented out for private parties – call 336-623-2110, option 3 to make a reservation.

Rentals

We are now renting out shelters and some facilities. Shelter 1 at Freedom Park continues to be the hot spot for all renters since it is located next to the playground and splash pad. Karate classes are once again being held at the Boone Road Facility. Our RV pad had six campers staying the night over the Memorial Day weekend. To rent a facility, call us at 336-623-2110, option 3.

PLANNING & INSPECTIONS

Local Codes and Inspections

Local code complaints have picked up considerably as they typically do this time of year, however complaints continue to be addressed in a timely manner and notices sent as needed. Permits are being issued, contractors are getting what they need and the public's questions and concerns are being addressed in a timely manner. Complaints are being handled in a timely manner and turn-around time from time of complaint to inspection is usually 1-2 days, often the same day. The inspectors are also checking other code violations as they see them out in the field and submitting them for notices to be sent:

Total Local Code Inspections Performed	156
Local Code Notices Sent	78
Local Codes Abated	29
Sent to Facility Maintenance for mowing	12

Inspections & Permits May 1 – May 31:

Total inspections performed	298
Total permits issued	157

Ongoing Projects for Inspections:

Inspection volume is steady. Plan review for the Purina project continues as documents are released. Permits have been issued for three new single-family residences and construction should begin within the next two weeks. The Ray Commons project is moving along nicely with floors 2-4 now complete and occupied.

Planning Board

The Planning Board met May 25 to consider amending Article 5.06 of the UDO to allow Automobile/Vehicle Sales, Rental, Service & Minor Repair to be permitted with standards in the Business Central (BC) and Neighborhood Mixed Use (NMX) Districts.

Community Appearance Commission

The Commission elected Julie Talbert as chair and Debbie Ellis as vice chair. The Community Appearance Award was given to 241 Events on The Boulevard.

Historic Preservation Commission

The Commission discussed a work plan for the upcoming fiscal year.

Tree Board

The Board elected Max Kirks as chair and Paul Dishmon as vice chair.

Community Development and Main Street

A SECU construction team evaluated space we identified for new ATMs in Draper and Uptown. 545 Morgan Road has started a complete remodel by new owners.

CITY OF EDEN, N.C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, May 18, 2021 at 6 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meeting were as follows:

Mayor:	Neville Hall
Council Members:	Darryl Carter
	Gerald Ellis
	Jerry Epps
	Angela Hampton
	Phillip Hunnicutt
	Bernie Moore
	Bruce Nooe
City Manager:	Jon Mendenhall
City Clerk:	Deanna Hunt
City Attorney:	Erin Gilley
News Media:	Roy Sawyers, Rockingham Update
	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 Kevin Dunovant of First Wesleyan Church of Eden gave an invocation followed by the Pledge of Allegiance led by Interim Fire Chief Todd Harden.

PROCLAMATIONS AND RECOGNITIONS:

a. Recognition: Perkins Professional Day Care

Mayor Hall called on Director of Economic Development Mike Dougherty and Perkins Professional Day Care owner Elretha Perkins.

Mr. Dougherty said Elretha Perkins grew up on her grandfather's tobacco farm on Highway 87. She graduated with a business degree from N.C. Agricultural & Technical (NCA&T) State University. She and her grandmother opened Perkins Professional Day Care at 503 Bridge Street in October of 1982. They quickly outgrew the facility and relocated to its current location on Lawson Street. Ms. Perkins drew the plans for the two Lawson Street buildings that were later combined into one large building. Prior to COVID-19, she employed nine people and cared for hundreds of Eden and Rockingham County children. Most of her clients came from word of mouth and were known to call her Mom, Mama and Rea. Ms. Perkins had told him all children wanted was love and that was what her staff provided. She also said people have to listen to children, including both the good and the bad. While delivering Chamber directories a few weeks ago, Mr. Dougherty witnessed two children leaving the daycare, but not before running up to her to say "we love you mama" three times before actually pulling out of the driveway. Without having to be told about the quality of Ms. Perkins' daycare, he knew what it was based on those two children. Ms. Perkins had two children, Rachelle and Allen. Rachelle also graduated from NCA&T State University summa cum laude before becoming an actress, entertainer, business owner and movie producer. Allen was the owner of a trucking company and married with two children, Allen Jr. and Stephone. There were few more vital community services that Mr. Dougherty could think of than allowing parents to have the peace of mind knowing their were children in a safe, caring and loving environment while they were at work. Mr. Dougherty thanked Ms. Perkins for the care she and her staff had provided over the past few decades.

Mayor Hall presented Ms. Perkins with a plaque commemorating her 40 years of business.

Ms. Perkins thanked everyone for attending. She also thanked God for giving her the opportunity to serve the County for 40 years. She thanked the community for their trust in knowing she would take good care

of the children. She also thanked Mr. Dougherty and the City of Eden for acknowledging her dedication that she had given to the children in the County. She said being successful in a business came with the price of long hours and unexplainable stress, some of which she was unable to fix. In her business, her main goal was to give quality care for the citizens in Rockingham County. When she started her business in the 1980s, most people told her non-minorities would not support her, but she found that to not be true. When she opened the doors of her daycare, her population looked like a rainbow and with the addition of other ethnicities, the rainbow looked even more beautiful. She thanked God for allowing her that opportunity. There were people who talked negatively about her business and while it did hurt, she recalled what her mother, Gracie Perkins, told her which was to always smile regardless of the circumstances. Her mother also told her to always put God first. She had been under pressure since 2017, but she knew she would be OK with God's help. She also recalled her mother telling her in the early 1980s that if did not leave corporate America, she would be missing her calling and she always believed what her mother told her. Therefore, she moved back to N.C. from Chicago and despite many struggles, she opened the daycare center. Of the many children that have come through her center, there has been a district attorney, actress, car salesmen, police officers and many honor students. She thanked everyone for coming to support her and also thanked the Council and Mayor Hall.

Rachelle Neal, daughter of Ms. Perkins, said she grew up in Eden and graduated from Morehead High School. She recalled the struggles that Ms. Perkins had experienced over the years but the one thing that stood out to her most was the love that Ms. Perkins shared to everyone she encountered, not just at the daycare center, but at places such as the post office and grocery store. Growing up she did not like to go with her mother to the store because she knew it would include a lot of conversations, but as she got older, she understood those conversations were really needed. Her mother had blessed so many people and she was honored to be able to witness that and have her as an example. Ms. Perkins truly gave love to everyone she encountered and Ms. Neal thanked everyone for attending and the City for honoring her for the service she had given to the community.

George Perkins, cousin of Ms. Perkins, said she was so sweet and loving. He recalled years ago when she first started her business, how she would call and ask him to sing at her events. He had been singing since he was three years old and he thanked God for anointing him with that talent. He said children were so innocent and did not see color and added that Ms. Perkins was blessed to have children call her mother. He thanked God for the honor that Ms. Perkins received noting she deserved every bit of it.

Mayor Hall asked District Attorney Jason Ramey to come up and speak.

Mr. Ramey said he was the district attorney for Rockingham and Caswell counties. While he normally strived to avoid such events, he knew he had to attend the meeting when he saw Ms. Perkins' name on the agenda. His mom had five children in seven years and worked at the Circle Drive-In, not making a lot of money. Ms. Perkins provided a wonderful place that was affordable where he and his siblings were well taken care of. His earliest memories involved playing outside with Ms. Perkins' son and Ms. Thelma. He recognized Interim Parks and Recreation Director Terry Vernon and noted that when he left Ms. Perkins' daycare, he went to the Boys and Girls Club where Mr. Vernon worked. There was a lot of racial division in the present world, but when he attended the daycare in the 1980s, kids did not notice any difference in color. He was very thankful for the daycare and for Ms. Perkins being honored as she should be. He felt the daycare prepared him for kindergarten and he was glad Ms. Perkins was still in business after all those years.

Council Member Hampton congratulated Ms. Perkins, noting she had known her all of her life. She said her son was in Ms. Perkins' first daycare group. Her granddaughter attended as well and imitated Ms. Perkins' walk when she would come home. She thanked Ms. Perkins for persevering and said she was making a black history moment as her business was probably the longest in operation by a black woman.

b. Proclamation: Police Week

Mayor Hall asked for all police officers in attendance to come forward while he read the proclamation.

Proclamation: Police Week 2021

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Eden Police Department; and

WHEREAS, the Eden Police Department plays an essential role in safeguarding the rights and freedoms of all members of the community; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the 48 sworn and 5 support men and women of the Eden Police Department unceasingly provide this vital public service; and

Now, therefore be it proclaimed, that the Eden City Council hereby declares the week of May 9 to May 15, 2021 to be National Police Week in the City of Eden. The Eden City Council calls upon all citizens to join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

The Eden City Council publicly salutes the service of law enforcement officers in our community and in communities across the nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Eden, North Carolina on this, the 18th day of May 2021.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

Police Chief Clint Simpson said the City had a great group of individuals in the Police Department who strived to train and serve the citizens daily. They lived in a great community and received phone calls, cards and emails saying thank you. He thanked everyone who had provided the department support over the past couple of years as it was very much appreciated. He thanked the police officers who worked every day to provide the citizens with a good service.

c. Proclamation: Public Works Week

Mayor Hall asked Director of Municipal Services Paul Dishmon and Director of Public Utilities Terry Shelton to come forward while he read the proclamation.

Proclamation: Public Works Week 2021

WHEREAS, public works infrastructure, facilities and services are of critical importance to the health, safety, economy and overall well-being of our community; and,

WHEREAS, such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers, and administrators, representing all levels of government, who are responsible for and must plan, design, construct, inspect, operate and maintain the public works facilities essential to serve our citizens; and,

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works functions is materially influenced by the people's attitude and understanding of the importance of the work they perform; and,

WHEREAS, it is in the public interest for our citizens, civic leaders and children to learn and understand the importance of vital public works programs such as drinking water, sanitary and storm sewers, streets and highways, public fleets, and solid waste collection and disposal; and,

WHEREAS, the theme for this year's celebration is "The Power of Public Works", and 2021 marks the 62nd annual national Public Works Week sponsored by the American Public Works Association.

NOW, THEREFORE, I, Neville Hall, Mayor of the City of Eden, do hereby proclaim the week of May 16-22, 2021 as Public Works Week" in the City of Eden, North Carolina, and I call upon all citizens and civic leaders in this community to gain knowledge of, and maintain a progressive interest in the public works needs and programs vital to our everyday lives. In addition, to recognize the daily contributions which public works officials make to ensure our health, safety, comfort, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Eden, North Carolina on this, the 18th day of May 2021.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

Mr. Shelton asked for the employees of Municipal Services and Public Utilities in the audience to stand. He thanked them for the work they provided and asked for those present to share with their colleagues who were not present the City's appreciation for their work as well.

Perkins Professional Daycare (continued)

Ms. Perkins returned with some of the children from the daycare center so they could meet Mayor Hall and the Council.

SET MEETING AGENDA:

Mayor Hall added item 10(f) Consideration for an application for a permit for pyrotechnics display at Morehead High School's graduation under New Business. A motion was made by Council Member Carter to set the meeting agenda as amended. Council Member Hampton seconded the motion. All members voted in favor. The motion carried, 7-0.

PUBLIC HEARINGS:

- a. Consideration and adoption of the FY 2021-22 Budget Ordinance.

Mayor Hall called on City Manager Jon Mendenhall and declared the public hearing open.

Mr. Mendenhall said he was happy to answer any questions in regards to the budget ordinance.

As there were no questions or discussion, Mayor Hall declared the public hearing closed.

A motion was made by Council Member Hampton to adopt the FY 2021-22 Budget Ordinance. Council Member Nooe seconded the motion. All members voted in favor of the motion. The motion carried, 7-0.

CITY OF EDEN, NORTH CAROLINA 2021-2022 BUDGET ORDINANCE

BE IT ORDAINED by the City Council of the City of Eden, North Carolina in regular session assembled:

Section 1: The following amounts are hereby appropriated for the operation of the City of Eden government and its activities for the fiscal year beginning July 1, 2021, and ending June 30, 2022, according to the following summary and schedules.

Summary (Funds)	Estimated Revenues	Total Budget Appropriation
General	\$16,598,300	\$16,598,300
Self Insured Insurance	\$3,742,500	\$3,742,500
Water and Sewer	\$10,253,700	\$10,253,700
Runabout Travel	\$20,000	\$20,000
Municipal Service Tax District	\$10,000	\$10,000
 (Less inter-fund transfers)	 <u>\$2,787,600</u>	 <u>\$2,787,600</u>
 (Less Appropriated Fund Balances)	 <u>\$1,232,600</u>	 <u>\$1,232,600</u>
 (Less Grants/Principal Forgiveness Loans)	 <u>\$325,000</u>	 <u>\$325,000</u>
 (Less Loans)	 <u>\$165,000</u>	 <u>\$165,000</u>
 (Less Pass Thru Funds - Ex. Runabout Travel)	 <u>\$825,100</u>	 <u>\$825,100</u>
 TOTAL	 <u>\$25,289,200</u>	 <u>\$25,289,200</u>

Section 2: That for said fiscal year there is hereby appropriated out of the General Fund the following:

<u>Code</u>	<u>Department</u>	<u>Appropriation</u>
10-4110	City Council	\$44,500
10-4120	Administrative & Legal Services	\$489,700
10-4130	Finance/Human Resources	\$279,100
10-4135	Marketing & Customer Service	\$321,000
10-4145	Information Technology	\$449,900
10-4190	Facilities & Grounds	\$620,500
10-4310	Police	\$5,043,900
10-4340	Fire	\$2,403,000
10-4350	Engineering	\$30,400
10-4510	Streets	\$1,802,000
10-4515	Powell Bill	\$505,000
10-4710	Solid Waste	\$1,883,500
10-4910	Planning & Community Development	\$670,200
10-6120	Recreation	\$815,400
10-6920	Fleet Maintenance	\$354,300
10-9100	Special Appropriations	\$485,900
10-9990	Contingency	<u>\$400,000</u>
 TOTAL		 <u>\$16,598,300</u>

Section 3: It is estimated that the following General Fund Revenues will be available during the fiscal year beginning July 1, 2021, to meet the foregoing General Appropriations:

<u>Code</u>	<u>Revenue Source</u>	<u>Appropriation</u>
3189-11092	Ad Valorem: Prior Years - Rock Co.	\$140,000
3189-18000	Interest on Delinquent	\$20,000
3190-11000	Ad Valorem: Current Year	\$5,700,000
3190-12093	OMV-Vehicle Tax - Current Year	\$620,000
3190-12093	OMV-Vehicle Tax - Prior Year	\$700
3190-12094	Short Term Rental Vehicle Tax	\$2,300
3190-12095	Municipal Vehicle Tax	\$183,000
3190-15000	Dog License	\$900
3190-18000	Interest on Current Taxes	\$15,900
3190-18100	Interest on Current Taxes - OMV	\$5,000
3190-19097	Payment in Lieu of Annexation	\$256,500
3190-19098	OMV Collection Fees	(\$27,400)
3190-19100	Occupancy Tax	<u>\$72,000</u>
Tax Revenue Total		<u>\$6,988,900</u>

<u>Code</u>	<u>Revenue Source</u>	<u>Appropriation</u>
3270-11000	Privilege License	\$800
3270-12000	Franchise Fees/State	\$105,100
3343-41000	Building Permits	\$39,000
3343-41100	Plumbing Permits	\$6,500
3343-41300	Mechanical Permits	\$16,000
3343-41400	Sign Permits	\$400
3343-41500	Electrical Permits	\$15,500
3434-48000	Fire Department Permits	\$1,600
3491-41100	Planning Zoning Permits	<u>\$1,100</u>
Licenses & Permits Total		<u>\$186,000</u>

<u>Code</u>	<u>Revenue Source</u>	<u>Appropriation</u>
3350-00200	Donations & Fees - Pottery Festival	\$4,500
3350-02100	Riverfest	\$39,000
3350-02200	Oink & Ale Festival	\$9,500
3350-02300	Shaggin' on Fieldcrest	\$9,000
3350-02400	Touch-A-Truck	\$1,500
3350-02500	Grown & Gathered	\$9,000
3412-43000	Vending Machine Proceeds	\$7,000
3431-41800	Police Controlled Sub State Excise Tax	\$2,000
3434-49000	Fire on Behalf Payments	\$18,500
3434-50000	Fire Dept Rental - Draper Rural	\$1,200
3612-48000	Freedom Park Concessions	\$15,000
3612-48100	Bridge Street Center Concessions	\$700
3612-48200	East Eden Center Concessions	\$700
3612-48300	East Eden Pool Concessions	\$6,000
3612-48500	Splash Pad Concessions	\$8,000
3612-48600	Splash Pad Admissions	\$20,000
3612-86000	Pool Admissions	\$13,000
3612-86100	Building Use	\$15,400
3612-86200	Field Use & Lights	\$5,000

Minutes of the May 18, 2021 meeting of the City Council, City of Eden:

3831-49000	Interest: Checking	\$73,400
3831-49500	Interest: NC Cash Mgt. Trust	\$2,000
3831-49700	Interest: Powell Bill Funds	\$100
3831-49900	Eden PD/Forfeiture Interest	\$500
3839-89000	Miscellaneous Revenue	\$5,000
3850-86000	Loan Proceeds	\$165,000
3991-99300	Fund Balance Appropriated	<u>\$575,000</u>

Use of Money & Property Total \$1,006,000

<u>Code</u>	<u>Revenue Source</u>	<u>Appropriation</u>
3231-31000	Local Option Sales Taxes	\$1,346,900
3232-31000	½ Cent Sales Taxes	\$962,300
3233-31000	½ Cent Sales Taxes	\$636,100
3234-31000	½ Cent Sales Taxes	\$272,900
3234-31001	State Hold Harmless Payment	\$1,035,700
3234-31002	Solid Waste Disposal Tax Distribution	\$] 1,100
3322-31000	Wine & Beer Taxes	\$66,900
3324-31000	Utilities Franchise Taxes	\$871,200
3325-33000	Powell Bill: State Street Aid	\$415,000
3335-32000	County Grants: Fire Department	\$2,400
3336-33000	Police School Resource Officers	\$165,000
3431-73000	Project Safe Rockingham County	\$20,500
3434-50000	SAFER Grant - Fire	\$295,000
3434-52000	Draper Rural Fire Tax	\$3,300
3612-48400	Recreation Grant-Sr. Center	\$30,000
3837-89000	ABC Revenues	\$147,300
3837-89100	ABC Revenues: Law Enforcement	<u>\$7,000</u>

Other Agencies Revenues Total \$6,288,600

<u>Code</u>	<u>Revenue Source</u>	<u>Appropriation</u>
3350-00100	Historic Preservation Book Sales	\$500
3412-41000	Other Administrative Revenues	\$3,000
3431-41000	Police Revenue: Dog Fines	\$2,500
3431-41100	Police Security Charges	\$40,000
3431-41200	Police Security Fringe Benefit Charges	\$9,600
3431-41300	Court Costs	\$4,500
3431-41400	Parking Violations	\$400
3431-41500	Police Fingerprinting Supplies	\$600
3431-41600	Police Department: Sale of Materials	\$100
3431-41700	Police Revenue	\$4,000
3431-84000	Police Department Restitution	\$6,000
3434-41000	Outside Fire Protection Charges	\$6,200
3451-41100	Street Dept. Revenue: Driveways	\$4,000
3451-81000	Street Mowing	\$5,400
3491-40000	Planning Dept. Nuisance Fees	\$52,000
3491-41000	Planning Department Applications	\$900
3491-41600	Planning: Code Compliance Ins.	\$300
3491-81000	Planning Department Sale of Materials	\$200
3612-41000	County User's Fees	\$800
3612-41 JOO	League Entrance Fees	\$2,500
3612-41200	Recreation Dept. Revenue: Lesson	\$500
3612-41300	Dixie Youth Tournament	\$20,000
3612-86400	Recreation Dept. Miscellaneous	\$16,000
3612-87000	Fuel Purchases - County Agencies	\$5,800

Minutes of the May 18, 2021 meeting of the City Council, City of Eden:

3839-49900	Cash Discounts Earned	<u>\$100</u>
Charges for Current Services		<u>\$185,900</u>
<u>Code</u>	<u>Revenue Source</u>	<u>Appropriation</u>
3471-41 J00	Residential Fees - Solid Waste	\$1,461,500
3471-41101	Commercial Fees - Solid Waste	\$472,400
3471-81100	Recycling Income - Solid Waste	\$3,200
3471-81200	Sale of Compost/Mulch-Solid Waste	\$1,000
3471-81400	Demolition - Abatement	\$3,300
3714-52000	Dumpster Late Fee	<u>\$1,500</u>
Total Solid Waste Revenue		<u>\$1,942,900</u>
General Fund Revenue Total		<u>\$16,598,300</u>

Section 4: That for said fiscal year there is hereby appropriated out of the Self-Insured Insurance Fund the following:

<u>Code</u>	<u>Department</u>	<u>Appropriation</u>
4145-18300	Group Insurance Fixed Cost	\$1,055,500
4145-30000	Claims	<u>\$2,687,000</u>
Self Insured Insurance Fund Total		<u>\$3,742,500</u>

Section 5: It is estimated that the following Self-Insured Insurance Fund Revenues will be available during the fiscal year beginning July 1, 2021 and ending June 30, 2022, to meet the foregoing Self-Insured Insurance Fund Appropriations:

<u>Code</u>	<u>Revenue Source</u>	<u>Appropriation</u>
3351-01000	Charges to Other Funds/GF	\$2,538,900
3351-03000	Charges to Other Funds/W/S	\$713,400
3831-49000	Interest - Checking	\$700
3839-83000	Refunds	\$195,000
3839-99100	Fund Balance Appropriated	<u>\$294,500</u>
Self Insured Insurance Fund Total		<u>\$3,742,500</u>

Sections 4 and 5 of this Budget Ordinance hereby authorize City payment of individual premiums in excess of that set forth in City Code § 10-6.3 for said fiscal year only. This authorization in no way creates any benefit or right in property whatsoever of any individual employee or retiree to City payment of premiums for any future year above that prescribed in City Code § 10-6.3.

Section 6: That for said fiscal year there is hereby appropriated out of the Water & Sewer Fund the Following:

<u>Code</u>	<u>Department</u>	<u>Appropriation</u>
7110	Water Resources	\$587,700
7115	Billing & Collections	\$420,000
7120	Water Filtration	\$1,367,100
7125	Collection & Distribution	\$2,046,600

Minutes of the May 18, 2021 meeting of the City Council, City of Eden:

7130	Water Reclamation	\$1,213,500
8120	Water Construction	\$120,000
9920	Special Appropriations	\$4,098,800
9990	Contingency	<u>\$400,000</u>
Water & Sewer Fund Total		<u>\$10,253,700</u>

Section 7: It is estimated that the following Water & Sewer Fund Revenues will be available during the fiscal year beginning July 1, 2021 and ending June 30, 2022 to meet the foregoing Water & Sewer Fund Appropriations:

<u>Code</u>	<u>Revenue Source</u>	<u>Appropriation</u>
3362-51200	Sale of Water	\$4,607,000
3362-53000	Leak Adjustments/Water	(\$40,000)
3363-51300	Sewer Service Charges	\$4,995,000
3363-53000	Leak Adjustments/Sewer	(\$58,000)
3363-53900	One-Time Pool Adj.	(\$2,000)
3711-58000	Miscellaneous Returned Checks	\$2,200
3713-53000	Pre-Treatment Charges	\$42,600
3714-42000	Water Service Application Fees	\$20,000
3714-51000	W/S Meter Tampering Fees	\$100
3714-52000	Reconnection Charges	\$221,900
3714-52200	Water Taps	\$8,000
3714-52300	Sewer Taps	\$2,600
3831-49000	Interest: Checking	\$35,400
3831-49500	Interest: NCCMT	\$1,500
3834-86000	Rent of Equipment	\$50,700
3835-81000	Sale of Materials	\$2,000
3839-49900	Cash Discount Earned	\$100
3839-89000	Miscellaneous Revenues	\$1,500
3991-99100	Fund Balance Appropriated	<u>\$363,100</u>
Water & Sewer Fund Total		<u>\$10,253,700</u>

Section 8: That for said fiscal year there is hereby appropriated out of the Runabout Travel Fund the following:

<u>Code</u>	<u>Department</u>	<u>Appropriation</u>
9100-31200	Runabout Travel Expense	<u>\$20,000</u>
Runabout Travel Fund Total		<u>\$20,000</u>

Section 9: It is estimated that the following Runabout Travel Fund Revenues will be available during the fiscal year beginning July 1, 2021 and ending June 30, 2022 to meet the foregoing appropriations:

<u>Code</u>	<u>Department</u>	<u>Appropriation</u>
3612-84000	Runabout Travel Fees	<u>\$20,000</u>
Runabout Travel Fund Total		<u>\$20,000</u>

Section 10: That for said fiscal year there is hereby appropriated out of the Municipal Services Tax District Fund the following:

<u>Code</u>	<u>Department</u>	<u>Appropriation</u>
4135-29900	MSD Tax-Leaksville	<u>\$8,000</u>
4135-29901	MSD Tax-Draper	<u>\$2,000</u>
Municipal Service Tax District Fund Total		<u>\$10,000</u>

Section 11: It is estimated that the following Municipal Services Tax District Fund Revenues will be available during the fiscal year beginning July 1, 2021 and ending June 30, 2022 to meet the foregoing appropriations:

<u>Code</u>	<u>Revenue Source</u>	<u>Appropriation</u>
3190-19200	MSD Tax - Leaksville	\$8,000
3190-19300	MSD Tax - Draper	\$1,900
3131-49000	Interest - Checking Account	<u>\$100</u>
Municipal Service Tax District Fund Total		<u>\$10,000</u>

Section 12: There is hereby levied for the fiscal year ending June 30, 2022 the following rate of taxes on each one hundred dollars (\$100) assessed valuation of taxable property as listed as of January 2021 for the purpose of revenue, and in order to finance foregoing appropriations:

A GENERAL FUND (for the general expense incident to the proper government of City of Eden, North Carolina) TAX RATE of \$0.609 per hundred dollars (\$100) of assessed valuation. Such rates are based on an estimated total appraised value of property for the purpose of taxation of approximately \$952,196,715 with an assessment ratio of 100% of appraised value. Estimated collection rate of 98.30%.

Section 13: The Tax and Service Rates section of the FY 2021-2022 budget sets forth the applicable fees for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

Section 14: The Personnel section of the FY 2021-2022 budget sets forth the grade and positions classification plan for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

Section 15: Copies of this Budget Ordinance shall be furnished to the Director of Finance & Personnel and City Manager of the City of Eden, to be kept on file by them for their direction in the collection of revenues and expenditures of amounts appropriated.

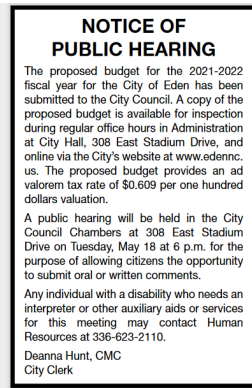
Section 16: The City Manager, by authority of this ordinance, may transfer/reallocate between & within departments up to a maximum of ten percent (10%) of the moneys appropriated within any of the above stated funds, including any transfers/reallocations between funds.

Adopted this the 18th day of May, 2021.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk



- b. Consideration to adopt an ordinance to define a Municipal Service District for property owners within the confines of The Boulevard commercial area.

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

Ms. Stultz said the City had been part of the Main Street Program since Mr. Dougherty came to work for the City. Eden was one of the few areas in N.C. that had multiple downtowns. City staff was seeking approval from Council to extend a Municipal Service District (MSD) to The Boulevard commercial area. There were several things that used to be in that area. MSDs provided self-help as it was their money in their own accounts, meaning the City did not have control over the funds. It showed a commitment from the property owners and merchants to better themselves and improve that section of the community. Community and Economic Development Specialist Randy Hunt had worked hard on the project. She and Mr. Hunt recommended its approval as it was a huge step in the right direction for the property owners and merchants who were already working hard to make their part of the community better.

Council Member Hampton thanked Ms. Stultz and Mr. Hunt for working on the project. She also thanked The Boulevard property owners who met the previous day and all agreed on the MSD. She felt the MSD would enhance the area.

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

City Attorney Erin Gilley said a statement of consistency was not required. However, the N.C. General Statutes did require two votes. Therefore, if it were passed with a majority vote, it would be voted on again at the June City Council meeting.

A motion was made by Council Member Hampton to adopt an ordinance (first vote) to define a Municipal Service District for property owners within the confines of The Boulevard commercial area. Council Member Carter seconded the motion. All members voted in favor of the motion. The motion carried, 7-0.

AN ORDINANCE DEFINING THE BOULEVARD MUNICIPAL SERVICE DISTRICT
PURSUANT TO NCGS 160A-537

ARTICLE 1. Purpose and Authority.

WHEREAS, Chapter 160A, Article 23 of the North Carolina General Statutes authorizes cities within North Carolina to define service districts to finance, provide or maintain for such districts one or more services, facilities, or functions in addition to or to greater extent than those financed, provided or maintained for the entire City; and

WHEREAS, said statutes further provide that the City may define a service district for the purpose of downtown revitalization projects; and

WHEREAS, acting in response to a need for action due to long term economic stagnation and the prevention of future deterioration of the commercial buildings and property, the City is committed to downtown revitalization projects to energize the commercial area and protect the tax and economic base. The City Council for the City of Eden has determined that the creation of this Municipal Service District will be for the benefit of those properties located within the service district boundaries which are in need of such services to a demonstrably greater extent than the remainder of the City; and

WHEREAS, the City Council for the City of Eden further finds that the proposed district is in need of projects and programs to the standards of NCGS 160A-537(a) to a demonstrably greater extent than the remainder of the City to meet the needs and goals set forth above, to wit, downtown revitalization projects for:

- Street lighting, streets and sidewalks
- Pedestrian walkways
- Parking facilities
- Promotion and developmental activities
 - Sponsoring festivals and markets in the downtown area
 - Promoting business investment in the downtown area
 - Helping to coordinate public and private actions in the downtown area, and
 - Developing and issuing publications on the downtown area designed to improve the economic well-being of the downtown area and further the public health, safety, welfare, and convenience; and

WHEREAS, a map of the proposed district showing its boundaries, a copy of which is attached hereto and incorporated by reference, a statement showing that the proposed district meets the standards set out in NCGS 160A-357(a), and a plan for providing in the district one or more of the services listed in NCGS 160A-536 has been created; all of which has been incorporated into a report which has been available for public inspection in the office for the City Clerk for four (4) weeks prior to the public hearing on the matter of the establishment of the service district; and

WHEREAS, The City of Eden caused a notice of such public hearing to be duly published in the Rockingham Now, a newspaper having general circulation in the City of Eden and Rockingham County, said hearing having been conducted on May 18, 2021, and the City of Clerk certified to the City Council that the required mailing of notice of the hearing was completed, all in conformity to NCGS 160A-537(c); and

WHEREAS, the City further finds that in accordance with the findings above, it is in the interest of and not contrary to the public's health, safety, morals and general welfare for the City to adopt this ordinance.

ARTICLE II. Ordinance.

NOW, THEREFORE, be it ordained by the City of Eden City Council that:

Section 1. The City of Eden has fully complied with Chapter 160A, Article 23 of the North Carolina General Statutes and determines and finds same as a fact.

Section 2. The Boulevard Municipal Service District for downtown revitalization is hereby defined and established in accordance with the attached map showing the boundaries.

Section 3. The City of Eden may levy property taxes within the Boulevard Municipal Service District in addition to those through the City in order to finance, provide or maintain for the district, services provided therein, in addition to or to a greater extent than those finances, provided or maintained for the entire City.

Section 4. This ordinance shall take effect at the beginning of fiscal year for 2021-2022 on July 1, 2021.

ARTICLE III. Severability.

All City ordinances or parts in conflict with this ordinance are hereby repealed. Should a court of competent jurisdiction declare this ordinance or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance nor the City Code of the City of Eden, North Carolina which shall remain in full force and effect.

ADOPTED this the 18th day of May, 2021, by the Eden City Council.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

**NOTICE OF
PUBLIC HEARING
FOR ESTABLISHMENT OF
MUNICIPAL SERVICE DISTRICT**

The public will take notice that the City Council of the City of Eden will conduct a public hearing on **TUESDAY, MAY 18, 2021, at 6:00 P.M.**, in the Eden Council Chamber at 308 E. Stadium Drive for the following purposes:

To consider the adoption of an Ordinance to define a Municipal Service District for those property owners within the confines of The Boulevard commercial area. A map of the proposed district is published with this Notice.

A report as required under NCGS §160A-537(b) is available for public inspection in the Office of the City Clerk at 308 E. Stadium Drive, Eden, NC.

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 May 18 meeting (following social distancing and capacity restrictions); emailed to the City Clerk dhunt@edennc.us by 5 p.m. May 18; or by phone to the City Clerk at 336-623-2110, option 3, by 5 p.m. May 18. Comments submitted by email or phone will be read at the meeting.

Further information may be obtained from the Planning & Community Development Department at 623-2110, Option 2.

Authority: N.C.G.S. 160A-537(b).

This the 19th day of April, 2021.

CITY OF EDEN
BY: NEVILLE A. HALL
MAYOR



- c. (1) Consideration of a zoning text amendment and adoption of an ordinance to amend Article 5.15 of the Unified Development Ordinance (UDO) to provide for accessory structures in the Residential-Agricultural district. Z-21-03.
- (2) Consideration of a resolution adopting a statement of consistency regarding the text amendment to amend Article 5.15 as referenced in c (1).

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

Ms. Stultz said various discussions had taken place over the last year about the need to update the City’s land use regulations required by the State, while also making the City’s ordinance more user friendly. One of the things the City, along with many other cities, tried to do was to regulate areas in the ETJ that were zoned Residential-Agricultural. Ms. Stultz received a request about an accessory structure on a fairly large piece of property and after talking with the County, it was apparent that if there was a bona fide farm in the ETJ, the City could not regulate it according to the statutes. There were several properties in the area that could have as many storage buildings as desired. Often times with property with such type uses, more storage buildings, accessory structures or barns were needed than would be preferred in certain lots. Since many surrounding areas did not regulate square footage of accessory structures beyond the two to three-acre mark, staff made the decision to recommend to the Planning Board that any property containing 20,000 square feet up to one acre remain like it currently was, which was basically a residential lot and suburban in nature. Tracts of land that had between one to three acres could have an additional 250 square feet of accessory structure gross floor area and anything more than three acres was not regulated in gross floor area. The Residential-Suburban district allowed for some accommodations for accessory structures larger than in other districts as well, according to the old ordinance. Staff and the Planning Board recommended

the amendment be approved.

Council Member Hampton asked what the procedure would be to rectify any discrepancies that a neighborhood might have with the issue.

Ms. Stultz said most people who saw an issue with the City's land use regulations would call the Planning Department first and would be advised as to what the rules were. Everyone had the opportunity to apply for a variance, for a conditional zoning district or a text amendment. Those were being processed at no charge because of the adjustment period with the new ordinance. If a request were received, the Planning Department staff would ask the Planning Board to initiate it and would submit a staff report either in support of or against the request. After the Planning Board were to vote, it would be brought before Council. Those involved in the request would have the opportunity to speak at those meetings. The process was the same as it had been since 1959.

Council Member Hampton said she wanted the public to know that such things were not necessarily permanent. She wanted residents to know what the procedure was.

Ms. Stultz said staff encouraged citizens to talk to them and even if staff made a professional recommendation that did not agree with the citizen, it was still their legal right for the Planning Board and Council to hear it. Staff's professional opinions were not always what the community standard was.

Council Member Ellis said it sounded like everything citizens had before was going backwards and if they wanted to change it, they had to consult with Ms. Stultz to change it back to where it was.

Ms. Stultz said she did not have the authority to change decisions that Council had made based on State law. The City's previous zoning ordinance was adopted on July 16, 1968 and it functioned very well for that time period but was no longer serving the City in the same capacity. Over 10,000 parcels were zoned and all the land use regulations were amended.

Council Member Ellis asked if the property owners of the 10,000 parcels were made aware of the changes.

Ms. Stultz said individual letters were not mailed out because the statutes did not require that.

Council Member Ellis asked how the property owners were notified.

Ms. Stultz said it was publicized on the City's Facebook page, half-page advertisements in the newspaper, public meeting advertisements in the newspapers and was discussed at the monthly City Council meetings over the past year.

Council Member Ellis said it had been discussed over the past five months since the UDO was adopted. He did not understand why notification was not sent out by letter because some people did not interact with social media and only received notifications by mail. A lot of businesses and taxpayers had properties in Eden and did not know about the changes.

Ms. Stultz said there were many property owners under the old ordinance that did not understand how to find all of the things that pertained to their property because the ordinance had been amended over 180 times throughout the years. The N.C. General Assembly changed all of the statutory language and many of the rules that had to do with land use regulations and thus, gave the City a deadline to get it adopted. Every city and county in the state with land use regulations had to do the same.

Council Member Ellis asked when the City started on it.

Ms. Stultz said City staff started on it in September or October of 2019 and it was effective January 1, 2021.

Council Member Nooe said the Council set the policies and staff was responsible for following those policies. If there was an issue, some of it should come back on Council but it felt like it was going in the wrong direction. Ms. Stultz was being asked questions as to why she did not do certain things, but if there had been such strong feelings about it, Council should have directed City staff to do what it wanted the staff to do. It felt as though the blame was being thrown in Ms. Stultz's direction but he did not believe that was where it needed to go.

Council Member Ellis asked if the City should send letters out to the ones that did not know about it.

Mayor Hall said the City had to complete the UDO due to state law and did not have any choice in the matter and the City's desire as to whether or not to do it did not matter because it was required. As a result, it was completed and it was known there would be some parcels that needed to be reevaluated. The vast majority of the parcels fell right into where they should on the UDO, way more than the City had to worry about. Nobody was trying to zone anyone out of business as that was not the point behind it. A blanket was thrown over a neighborhood and if one piece that had always been something and wanted to remain as such fell outside the blanket, it would have to be fixed.

Ms. Stultz added that it could also continue as a legal non-conforming use. For anyone whose zoning district in December of 2020 allowed them to do something at that time and the zoning district they were presently in did not, they were considered legal non-conforming use and they could continue operating exactly as they were. If that were not true, she would have been sending letters to everyone who was a non-conforming use in a zoning district telling them they had a violation, but that was not the way the law worked. They could continue to operate their business.

Mayor Hall advised everyone to return to the item of accessory structures allowed in a RA district on the agenda for discussion.

Trevor Hale said he wanted to build a barn structure on his five-acre piece of property. The zoning ordinance said he could build it as big as he wanted to as long as he attached it to his house. He wanted to build it in the curve away from his house to store his tractors and cars in it. He did not see a reason why anyone should oppose that because he felt that would be better than building a 54 x 61 structure on the side of his house with a walkway going to it, which in his opinion would make his house look ignorant. He needed the large structure and had the land to accommodate it. He was not saying to change it on the smaller parcels of land but it appeared to him to be a pathetic zoning ordinance if someone had five acres of land and could not use it.

Jerry Booth of 412 S. Byrd Street said he did not come to the meeting over the zoning case in question, but he knew where Trevor Hale lived and was in favor of letting him build the accessory structure as he did not see any problem with it.

Council Member Ellis apologized to Ms. Stultz for the earlier discussion regarding the UDO.

Shane Hensley of 943 Laurel Wood Drive spoke in favor of Trevor Hale building the structure.

Mayor Hall said the item on the agenda was not to vote on whether or not to allow Mr. Hale to build a building. The item to be voted on was to amend an ordinance to allow accessory structures in a RA district.

Council Member Carter asked if the proposed ordinance would or would not allow structures in the RA district.

Ms. Stultz said it would allow structures in the RA district. The County did not regulate accessory structures in their RA district at all and because of the layout of the ETJ, the County's RA typically adjoined the City's RA. As a result, City staff wanted to operate such as closely to the County as possible.

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

Council Member Ellis made a motion to approve a zoning text amendment and adoption of an ordinance to amend Article 5.15 of the Unified Development Ordinance (UDO) to provide for accessory structures in the Residential-Agricultural district as well as a resolution adopting a statement a consistency regarding the text amendment to amend Article 5.15 of the UDO to provide for accessory structures in the Residential-Agricultural district. Council Member Carter seconded the motion. All members voted in favor of the motion. The motion carried, 7-0.

AN ORDINANCE AMENDING THE
UNIFIED DEVELOPMENT ORDINANCE
OF THE CITY OF EDEN

BE IT ORDAINED BY THE CITY COUNCIL of the City of Eden, North Carolina, that, after having fully complied with all legal requirements, including publication of notice of a public hearing and the holding of a public hearing relative thereto, Article 5.15 of the Unified Development Ordinance is hereby amended as follows:

Article 5.15 SUPPLEMENTAL USE STANDARDS – OTHER

A. ACCESSORY STRUCTURES

1. Residential accessory structures

- e. Maximum accessory building area. The total gross floor area for all accessory buildings for single-family and two-family dwellings shall not exceed 50 percent of the gross floor area of the principal building or 600 square feet, whichever is greater, except in the RA District as provided for in paragraph (f) below
- f. The maximum square footage for residential accessory structures is limited by Article 5.15(A)(1)(e) of this ordinance to one-half (1/2) the square footage of the dwelling unit or 600 square feet whichever is greater. An increased number of square feet shall be permitted in the RA district as follows:

In the RA District, the following shall apply:

- i. Tracts of land containing from 20,000 square feet up to one (1) acre in area shall remain as per Article 5.15(A)(1)(e).
- ii. Tracts of land containing more than one (1) acre and less than three (3) acres shall be permitted the ordinance maximum per Article 5.15(A)(1)(e) plus 250 square feet of additional accessory structure gross floor area.
- iii. Tracts of land containing in excess of three (3) acres shall not be limited on accessory structure gross floor area.

Existing subparagraphs f and g shall be renumbered to g and h

APPROVED, ADOPTED AND EFFECTIVE, this 18th day of May, 2021.
CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
A PROPOSED AMENDMENT TO THE
CITY OF EDEN UNIFIED DEVELOPMENT ORDINANCE
CASE NUMBER Z-21-03
TEXT AMENDMENT

WHEREAS, pursuant to North Carolina General Statutes Chapter 160D-605, prior to adoption or rejection of any zoning amendment, the Eden City Council is required to adopt a statement as to whether the amendment is consistent with the Land Development Plan and why the City Council considers the action taken to be reasonable and in the public interest;

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

WHEREAS, the City of Eden Planning Board initiated a request to adopt standards for accessory structures in the RA zoning district.

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

STATEMENT OF NEED:

This amendment was submitted to correct an omission in the Unified Development Ordinance (UDO) which was effective on January 1, 2021. No provisions for accessory structures in the Residential Agricultural (RA) were specified. This amendment is necessary to provide regulations for residential accessory structures in this district and to provide for accessory structures for farm use and on large agricultural tracts.

STATEMENT OF CONSISTENCY:

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

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

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

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

1. The Eden City Council finds that the proposed amendment to the City of Eden Unified Development Ordinance is consistent with the goals and recommendations of the 2007 City of Eden Land Development Plan, as amended.

2. At no time are land use regulations or plans of the City of Eden or any jurisdiction in the State of North Carolina permitted to be in violation of the North Carolina General Statutes.
3. Therefore, based upon the foregoing information, the amendment to the Unified Development Ordinance is reasonable and in the public's best interest.

Approved and adopted and effective this 18th day of May, 2021.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

**NOTICE OF
PUBLIC HEARING**

The public will take notice that the City Council of the City of Eden will conduct a public hearing on **TUESDAY, MAY 18, 2021, at 6:00 P.M.** in the Eden Council Chamber at 208 E. Stadium Drive for the following purposes:

(1) Consideration of a zoning text amendment and adoption of an Ordinance to amend Article 5.15 of the UDO to provide for Accessory Structures in the Residential-Agricultural District. Submitted by Planning Board. Zoning Case Z-21-03.

(2) Consideration of a zoning text amendment and adoption of an Ordinance to amend Article 5.06 (F) to allow Religious Institutions to be permitted without standards in the Residential Mixed Use (RMU) and Neighborhood Mixed Use (NMX) Districts. Submitted by Planning Board. Zoning Case Z-21-06.

(3) Consideration of a zoning map amendment and adoption of an Ordinance to rezone the following 7 properties: (1) 15.88 vacant acres off Edgewood Road PIN 7080-2070-3558 from R20 to NMX; (2) 34.34 vacant acres on Gallagher's Way PIN 7080-1951-1372, from R20 to NMX; (3) 2.97 vacant acres off Stadium Drive PIN 7080-1573-4454 from R20 to NMX; (4) 6.08 vacant acres off Palmer Court PIN 7080-2070-3558 from R20(C2) to NMX; (5) 131.15 acres (Oak Hills Golf Course) off Stadium Drive and Maplewood Drive PIN 7080-1951-5024 from R20 to NMX; (6) 6.52 vacant acres off Stadium Drive PIN 7080-1951-1701 from R20 to NMX; and (7) 3.48 vacant acres off Stadium Drive PIN 7080-1952-0369 from R20 to NMX. Submitted by Kenan Wright, Representative for Meadow Greens Place, LLC, Homer E. Wright, Jr., MG Holding, LLC and DR Development Corp., Property Owners. Zoning Case Z-21-07.

(4) Consideration of a zoning map amendment and adoption of an Ordinance to rezone the property located at 414 S. New Street from Heavy Industrial (HI) to Residential-Agricultural. Submitted by Luther Patterson, Property Owner. Zoning Case Z-21-08.

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 May 18 meeting (following social distancing and capacity restrictions); emailed to the City Clerk (dhunt@edennc.us) by 5 p.m. May 18; or by phone to the City Clerk at 336-623-2110, option 8, by 5 p.m. May 18. Comments submitted by email or phone will be read at the meeting.

Further information may be obtained from the Planning & Inspections Department at 623-2110, Option 2.

Authority: N.C.G.S. 160D-601; City of Eden Unified Development Ordinance Article 3.

This the 28th day of April, 2021.

- d. (1) Consideration of a zoning text amendment and adoption of an ordinance to amend Article 5.06

(F) of the UDO to allow religious institutions to be permitted without standards in the Residential Mixed Use (RMX) and Neighborhood Mixed Use (NMX) districts.

(2) Consideration of a resolution adopting a statement of consistency regarding the text amendment to amend Article 5.06 (F) as referenced in d (1).

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

Ms. Stultz said the UDO limited the places churches could go. In the community, churches had often been the anchors of neighborhoods. When she was presented with a request to put a church in a specific area, she realized she would have to tell them no. Staff asked the Planning Board to initiate an amendment, which they did. Ms. Stultz recommended that the City continue to allow religious institutions to be located in the RMX and NMX districts without any standards.

Mayor Hall said that was typical for all over the state.

Ms. Stultz said the Constitution liked for such things to be allowed.

Council Member Ellis asked what RMX and NMX were before they were changed.

Mayor Hall said churches were allowed in all districts.

Ms. Stultz said RMX was not a district that existed. It was for residential development that was near Business Central, NMX and Business Highway districts. NMX was previously O&I, Business Neighborhood and Business General.

Council Member Hunnicutt asked why the City needed to amend the text if churches were allowed in any zoning district. He also asked Ms. Stultz to define without standards as it related to the UDO.

Ms. Stultz said the City had specialized standards for certain things, such as car repair businesses. Having no standards did not mean the churches would not have to meet setbacks, lot sizes and parking requirements because they would. It simply meant there would not be additional standards placed on the churches to be in those residential districts.

Council Member Hunnicutt asked in reference to without standards if that meant a church could place a doublewide or tent beside someone's house and it be classified as a church. Without standards made it sound to him like everything was allowed.

Ms. Stultz said no. In the City's current ordinance under Chapter 5, there were a series of standards that adhered to a various sundry of things. The City had standards for churches that applied to business districts and others. It previously had standards for NMX and RMX. The applicant made the argument, which she agreed to, that the City should not require special standards for churches but they did agree they should have to meet the aspects of the ordinance. If someone wanted to place a modular building near someone's house and use it as a church, state law would not allow the City to prevent it. However, if it was a manufactured structure of any type, then the City could prevent it, but that was under building code and state law issues.

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

Council Member Hampton made a motion to approve a zoning text amendment and adoption of an ordinance to amend Article 5.06 (F) of the UDO to allow religious institutions to be permitted without standards in the Residential Mixed Use (RMX) and Neighborhood Mixed Use (NMX) districts as well as a

resolution adopting a statement of consistency regarding the text amendment to amend Article 5.06 (F) of the UDO to allow religious institutions to be permitted without standards in the Residential Mixed Use (RMX) and Neighborhood Mixed Use (NMX) districts. Council Member Nooe seconded the motion. All members voted in favor of the motion. The motion carried, 7-0.

AN ORDINANCE AMENDING THE
UNIFIED DEVELOPMENT ORDINANCE
OF THE CITY OF EDEN

BE IT ORDAINED BY THE CITY COUNCIL of the City of Eden, North Carolina, that, after having fully complied with all legal requirements, including publication of notice of a public hearing and the holding of a public hearing relative thereto, Article 5.06F of the Unified Development Ordinance is hereby amended to change the Religious Institutions in the RMX and NMX Districts to a permitted use as follows:

Article 5.06	LAND USE TYPE	RMX	NMX
F.	Religious Institutions	- P	P

APPROVED, ADOPTED AND EFFECTIVE, this 18th day of May, 2021.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
A PROPOSED AMENDMENT TO THE
CITY OF EDEN UNIFIED DEVELOPMENT ORDINANCE
CASE NUMBER Z-21-06
TEXT AMENDMENT

WHEREAS, pursuant to North Carolina General Statutes Chapter 160D-605, prior to adoption or rejection of any zoning amendment, the Eden City Council is required to adopt a statement as to whether the amendment is consistent with the Land Development Plan and why the City Council considers the action taken to be reasonable and in the public interest;

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

WHEREAS, the City of Eden Planning Board initiated a request for to amend the UDO to allow religious institutions in the RMX and NMX Districts without standards.

WHEREAS, On April 27, 2021, the City of Eden Planning Board voted to recommend to the Eden City Council that the text amendment be approved.

STATEMENT OF NEED:

This amendment was submitted to correct an omission in the Unified Development Ordinance (UDO) which was effective on January 1, 2021. Currently, religious institutions are permitted with standards in the RMX and NMX districts. This amendment would allow religious institutions as a use-by-right with no standards in the RMX and NMX districts.

STATEMENT OF CONSISTENCY:

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

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

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

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

- 1. The Eden City Council finds that the proposed amendment to the City of Eden Unified Development Ordinance is consistent with the goals and recommendations of the 2007 City of Eden Land Development Plan, as amended.
- 2. At no time are land use regulations or plans of the City of Eden or any jurisdiction in the State of North Carolina permitted to be in violation of the North Carolina General Statutes.
- 3. Therefore, based upon the foregoing information, the amendment to the Unified Development Ordinance is reasonable and in the public's best interest.

Approved and adopted and effective this 18th day of May, 2021.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

- e. (1) Consideration of a zoning map amendment and adoption of an ordinance to rezone the property at 414 S. New St. from Heavy Industrial to Residential-Agricultural. Z-21-08.
- (2) Consideration of a resolution adopting a statement of consistency regarding the proposed map amendment as referenced in e (1).

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

Ms. Stultz said the City received an application for what was formerly known in the community as the Fieldcrest Farm to rezone it from Heavy Industrial to Residential-Agricultural. The owners intended to live there and use it in a more rural type setting versus a heavy industrial setting. In her opinion, it would be a great buffer between where existing industrial sites were and where a residential neighborhood was. There were a lot of federal laws and rules about environmental justice and she felt this was one of those cases where it would keep the City safe while also accommodating the property owners by rezoning the property. Ms. Stultz, staff and the Planning Board recommended in favor of the rezoning.

Council Member Moore asked if the property was the one that would buffer to 1002 Sharpe Avenue.

Ms. Stultz said yes. She added that the property owners at 1002 Sharpe Avenue were concerned about smells but under the City's old ordinance of I-2 and the new ordinance, animals could be kept in both

districts, so that would not change for those property owners. What it would change for them would be to not have the sight of a big building in their backyard, which she felt would be a good buffer for them.

Mayor Hall said the rezoning would place them in a more restrictive zoning district.

Ms. Stultz said it was certainly downzoning from the City's most liberal district to one of the most restrictive.

Luther (Luke) Patterson said he and Genay Peavey bought the house about two months ago with the intention of remodeling and living there. He was from the area and graduated from Morehead High School. His parents still lived in Eden and wanted him back in the area. He and Ms. Peavey were clearly not building a factory on the property. They wanted to live there and have a lot of land and existence on the property. The current zoning did not fit what their purpose was and they wanted it to feel like home. Changing the zoning was the first step towards that.

Council Member Hampton asked where the property was.

Ms. Stultz said the Fieldcrest Farm on New Street.

Council Member Hampton asked if it was Dr. Buist's old property.

Mr. Patterson said yes.

Council Member Hampton said she felt that was good because she had heard there was going to be livestock there.

Ms. Stultz said it very well could be but livestock could also be in I-2.

Jerry Booth said his property and his son's property adjoined the New Street property and he was glad to have the new property owners as neighbors. He thought what they were planning to do was great. He also had a small farm with some livestock and he thought it would be a great buffer.

Mayor Hall read an email that was received from Teresa Hairston in opposition of the Residential-Agriculture rezoning: "We the owners of property @ 1002 Sharpe Ave oppose the rezoning. No one desire to smell livestock. We don't need this."

Jason Ramey said he knew Mr. Patterson from when he was a kid at the Boys & Girls Club. Mr. Patterson had become very successful and he knew it was always desired for successful people to come back home. The fact that Mr. Patterson was returning back to Eden made him 100 percent in favor of the rezoning and he felt everyone else should be as well.

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

Council Member Ellis made a motion to approve a zoning map amendment and adoption of an ordinance to rezone the property at 414 S. New Street from Heavy Industrial to Residential-Agricultural as well as a resolution adopting a statement of consistency regarding the proposed map amendment to rezone the property at 414 S. New Street from Heavy Industrial to Residential-Agricultural. Council Member Moore seconded the motion. All members voted in favor of the motion. The motion carried, 7-0.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF EDEN

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

Section 1 - Change from Heavy Industrial (HI) to Residential Agricultural (RA) the following property:

From an existing iron pipe found in the Western boundary of New Street, North 69 degrees 31 minutes 13 seconds East 50 feet to the point of beginning, thence North 69 degrees 31 minutes 13 seconds East 1,050 feet to a corner in a common line with the now or formerly property of Louis R. Hairston; thence South 20 degrees 09 minutes East 150.30 feet to an existing iron stake; thence North 68 degrees 40 minutes 23 seconds East along the before mentioned Hairston property and the South line of Spray Water Power and Land Company lot 676.96 feet to a corner on Sharpe Road; thence South 19 degrees 40 minutes 36 seconds East 188.68 feet; thence North 64 degrees 08 minutes 32 seconds East 50.26 feet; thence running with branch South 73 degrees 36 minutes 19 seconds East 542.35 feet, North 81 degrees 31 minutes 36 seconds East 192.25 feet; thence and leaving branch North 86 degrees 14 minutes 16 seconds East 261.97 feet to a common corner with "Merrimon Street Addition"; thence South 35 degrees 54 minutes 44 seconds East 1,255.62 feet; thence along the W. A. Johnson, Jr. property South 34 degrees 37 minutes 15 seconds East 719.71 feet, South 01 degrees 03 minutes 35 seconds East 520.54 feet, South 8 degrees 52 minutes 30 seconds West 1,105.71 feet to a point and continuing 30.13 feet to the center line of a ditch; thence along the center line of the ditch North 64 degrees 34 minutes 30 seconds East 215.10 feet, North 67 degrees 35 minutes 30 seconds East 588.80 feet, North 60 degrees 54 minutes 30 seconds East 320.0 feet; thence leaving said ditch South 15 degrees 40 minutes 54 seconds East 7.0 feet, 356.52 feet, 459.26 feet, 577.37 feet, and 24.84 feet (total 1425.00 feet) to a point on the bank of Dan River; thence along the river South 40 degrees 26 minutes 58 seconds West 519.63 feet; thence South 38 degrees 49 minutes 46 seconds West 248.49 feet, South 37 degrees 43 minutes 50 seconds West 331.86 feet, South 38 degrees 23 minutes 37 seconds West 411.56 feet, South 49 degrees 07 minutes 19 seconds West 285.36 feet corners; thence North 30 degrees 07 minutes West 35 feet; thence North 23 degrees 56 minutes 27 seconds West 2248.43 feet crossing a branch to a point; thence North 60 degrees 27 minutes 22 seconds West 526.57 feet, North 8 degrees 35 minutes 43 seconds West 896.77 feet, North 59 degrees 20 minutes 13 seconds West 338.95 feet, crossing branch North 12 degrees 29 minutes 07 seconds West 778.91 feet; thence North 47 degrees 22 minutes 51 seconds West 1065.71 feet, North 89 degrees 14 minutes 33 seconds West 995.43 feet, plus 50.50 feet to a point in the East line of Proposed Road Extension (New Street); thence North 20 degrees 28 minutes 44 seconds West 429.85 feet to the POINT OF BEGINNING and containing 214.311 acres as shown on Plat of Survey for Fieldcrest Mills, Inc., by C. E. Robertson and Associates, registered land surveyors and dated 01-27-1986, revised 2-10-1987 and 2-14-1991, and revised on May 25, 1993, as recorded in Map Book 29, Page 55, in the Rockingham County Registry.

The above described property being commonly known as 414 S. New Street and identified by the Rockingham County Tax Dept. as 7090-04-51-3213 and Parcel No. 110604.

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

APPROVED, ADOPTED AND EFFECTIVE, this 18th day of May, 2021.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
A PROPOSED AMENDMENT TO THE
CITY OF EDEN UNIFIED DEVELOPMENT ORDINANCE
CASE NUMBER Z-21-08
MAP AMENDMENT

WHEREAS, pursuant to North Carolina General Statutes Chapter 160D-605, prior to adoption or rejection of any zoning amendment, the Eden City Council is required to adopt a statement as to whether the amendment is consistent with the Land Development Plan and why the City Council considers the action taken to be reasonable and in the public interest;

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

WHEREAS, the City of Eden Planning Board received a request to rezone property located at 414 S. New Street from Heavy Industrial (HI) to Residential-Agricultural (RA).

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

STATEMENT OF NEED:

The request is to rezone approximately 214.31 acres from Heavy Industrial (HI) to Residential Agricultural (RA). Staff is of the opinion that RA is an appropriate zoning designation due to the adjacent RA properties and other residential uses in the area. Rezoning this property to RA would also help maintain a significant buffer between the industrial properties and the adjoining residential neighborhoods.

STATEMENT OF CONSISTENCY:

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

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

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

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

1. The Eden City Council finds that the proposed amendment to the City of Eden Zoning Ordinance is consistent with the goals and recommendations of the 2007 City of Eden Land Development Plan, as amended.
2. At no time are land use regulations or plans of the City of Eden or any jurisdiction in the State of North Carolina permitted to be in violation of the North Carolina General Statutes.
3. Therefore, based upon the foregoing information, the amendment to the Unified Development Ordinance is reasonable and in the public's best interest.

Approved and adopted and effective this 18th day of May, 2021.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

REQUESTS AND PETITIONS OF CITIZENS:

Mayor Hall asked Ms. Gilley to read the City's policy regarding public comments. He also advised speakers of their three-minute time limit and asked if any speaker wished to yield their time to another individual, to please state the recipient of the yielded time. Public comments served as a time for citizens to say what they wished to say with a three-minute time limit or six-minute time limit, if time was yielded to them. The Council would not answer questions or offer comments as it was not a time for debate. There was a good time for discussion but it was not fair to do so under that section of the agenda due to the time limit. He advised Council to make notes of any questions or comments and give them to him and at the end of the meeting and he would get with Mr. Mendenhall and whatever department it pertained to in order to have the questions answered.

Jim Kelley of 126 Benjamin Road said a lot of things had been cleared up earlier in the meeting. However, in regards to zoning, he had spoken to some merchants and landlords on The Boulevard because he was considering starting another small business in the area. He wanted to make sure he would not be put out of business because someone told him that heavy equipment was not allowed in that area. He said Henry Ford built an automobile before he built an automobile factory. If the City was going to restrict businesses, it was not fair to the small business man just starting out or the minority groups that wanted to get into business if they were put in a position to where they had to start out with more of a financial investment than they could afford. A lot of great businesses in the country started small. Sam Walton started a small business that turned out to be good. He wanted to make sure the blanket zoning of the 10,000 parcels was not going to restrict and keep people from doing the lifelong things they had desired to do. He was basically retired and could not have done any of the such while working at DuPont. He now had the opportunity and the equipment necessary and therefore, did not want to be restricted by the blanket zoning from doing what he needed to do. He recalled some of the small businesses over the years on The Boulevard and he believed those were what made America great and prosperous.

Michelle Barnes of 634 Boone Road said she was speaking on behalf of her husband. When the City rezoned locations, it needed to consider that there was a business in that location and should be glad it was not an empty building. It was hard enough to be a business person in today's time, especially a small business. She felt the City should consider businesses that had been in existence for 30 to 40 years operating the same out of the same location. She said the City should be glad the business was still in operation and should hope they could continue as such. If changing ownership hands by passing along the business to a child was going to cause problems, it needed to be reconsidered.

Richard Sheckells of Quesinberry Road was present to represent Spray Booth Solutions that was up for rezoning. He had concerns over the rezoning of businesses because it was putting alterations on the way the businesses could operate. The businesses had been around for a long time. He had been at his current location all of his life and when such restrictions were placed on businesses where they could not be handed down and operated by the people who deserved them, the City needed to look and reconsider going back to the way things were.

Michael Robertson of 1014 Irving Avenue said it was brought to his attention one month ago that the City was establishing the NMX zoning and it appeared there were some stipulations. He and his brother operated Eden Radiator Repair and had been in business for 41 years. The NMX did not look like it was in their benefit. They bought the building in 1980 and had been running a successful business ever since. He did not agree with changing it from Business General (BG) to NMX. He and his brother were in their 60s and hoped to retire in the near future and did not want anything to hinder their benefit of the property. He asked for Council to look after their benefit as businesses in the City in regards to the ordinance.

Mike Hensley of 226 Mebane Street yielded his time to Shane Hensley.

Shane Hensley said he and his wife had been in business for 28 years remodeling houses and businesses all over Eden. They had tried to make the community the best it could be. He felt like he and his wife had

partnered with the City throughout the years and had never experienced any problems. When he found out about the rezoning in March, he made a few phone calls and visits to some Council and he appreciated the conversations. His concern was he felt he put more into the relationship with the City than what was there. When he found out about the rezoning, he was hurt because he felt he would have been valued more by the City. He felt he had a partnership with the City. He had never asked for any money from the City. They borrowed a lot of money from Tommy Flynt with Home Savings Bank, who helped put together a business plan for them. When the business plan was put together, he was asked what type of properties he wanted to buy, in which he responded by saying the houses the fire department was ready to burn down, which in turn saved a lot of houses, adding back to the tax base. He said Mr. Flynt asked him what he intended on using the properties for and he answered that he wanted to buy some property on The Boulevard. When Mr. Flynt found out the area was zoned BG, he said that was a good thing. When Mr. Hensley borrowed a couple million dollars from Home Savings Bank, he had to have his business plan in place, which was BG. The zoning in Eden was what he and his wife based their retirement on. They had been productive citizens, tried to treat their properties great and tried to be good to people in the community. He understood the City had to conduct the rezoning but he wanted to know why he did not get more of a personal notification as he was really hurt by it. He and his wife had stayed in Eden and invested a lot into the city. The people in attendance at the meeting had invested into Eden and were the backbone in Eden, trying to do what was right. They were not trying to hurt anyone. He was very hurt about not being notified. He asked how he was supposed to find out what happened because he found out by accident. He asked if people were supposed to wake up one day and just discover the zoning changed. He said it was a very important part of the entire thing. He felt like he was in a partnership with the City but if he was wrong, then maybe he was in the wrong city; however, he felt like he was in the right city. He believed in the Council and asked them to believe in the citizens. When talking to someone in the past, he advised them that there was a disconnect between the citizens and City Hall but he could not determine exactly what it was at that time, but now he knew what it was. The citizens were disappointed it happened that way. He asked if there were any problems with any of his properties, to please let him know and he would take care of it. He and his wife took people around Eden all of the time, including people from Purina. The two of them were promoting Eden and partnering with the City. He compared his zoning districts by giving the analogy of going to bed on December 31 with an F-150 in his driveway, but waking up on January 1 with a Volkswagen. He said he and his wife wanted to partner with the City and also wanted to feel the same back from Council.

Becky Shomali of 191 Fireman Club Road yielded her time to April Blackstock.

April Blackstock of 241 The Boulevard said many of the previous speakers had already addressed most of her issues. Her concern on The Boulevard was the fact they were offered only Heavy Industrial due to the rezoning, which did not apply to the area. The area had BG previously and she asked what the procedure would be to have BG applied back to the area as that would benefit the majority of the businesses in that area. There were residential areas on The Boulevard, such as housing and apartments, that were presently under Heavy Industrial and that would not work. The business mix did not apply for some of the businesses, such as the building and painting of cars.

Jeff Garrett of 611 Easley Road said he apologized because he needed to find out why he was present at the meeting as he had not found anyone else who knew either. He had not received a letter and could not find anyone else who had received a letter either. He spoke to some Council who could not tell him what was going on or what the law was going to be. The current meeting was the third City Council meeting he had attended. At the first City Council meeting he attended, there were so many people in attendance that there was no parking available and Council decided not to address that. The only reason there was parking available at the present meeting was because people did not know it. Transparency. He wanted to see a booklet, pamphlet or a cell number for Council. He wanted someone to tell him what he was up against because he did not know. He did not have anything to debate because he did not have any information. He asked for transparency to let someone know. Maybe he was hunting in the wrong places. He had not found

anyone who could tell him anything, which was a big issue for him. He was nervous, it was the third time he had been there. He apologized for not attending more meetings.

Taurus Hale of 1629 Quesinberry Road said he had talked to Ms. Stultz. He had been planning to purchase a piece of property in Draper. He owned a business in Eden and the rezoning did not currently affect it. However, he was considering buying a garage in Draper that he wanted to rent out as an investment but he was told he could not do so once the existing tenants moved out. It was by chance that he was told that and he acknowledged that could be wrong. His point was that he wanted to make an investment but it alarmed him to the point where he would not buy anything due to the risk of not being able to conduct a business as previously operated, leaving a useless building. If a building had a garage door, it was a garage. While driving through town, he found seven garage buildings in Draper and five garage buildings on Washington Street that would be left as dormant if his understanding of the rezoning was correct. He advised he would return to the Planning Board again as he could have misunderstood. He desired an answer and wanted to talk to someone. He was told he could possibly get a variance, but he was not going to purchase a building on the off chance that he could secure a variance.

Evie French of 616 Highland Drive was present to talk about 613 Boone Road. She was there on behalf of Scott Automotive and her father, Donnie Scott. Two years ago, she joined the business in order to help her dad as he was facing some health issues. She received a phone call about a month prior from Sean Moore informing her about the rezoning. She did not know a lot about the rezoning, but had read about it and conducted some research. She was under the assumption that if she were to add a building or sell the business to someone else, they would not be able to operate it as a garage, which would make it dead in the water. She wanted to say she was not necessarily against the rezoning but wanted to know more about it. If she continued to stay and operate the business as it currently was, she wanted to be sure she could grow and expand her business by making additions. She understood it was affecting a lot of the small businesses on Boone Road and The Boulevard area as well. She asked to hear more about the rezoning.

Shawn Bowers of 121 Boone Road yielded his time to Trevor Hale.

Trevor Hale said he felt everyone present at the meeting wanted a permanent fix to the zoning issues versus a variance on properties. While the City might not be able to revert certain areas back to BG, he hoped it could convert to a zoning that permanently fixed the issues mentioned that did not involve a grandfather clause with 120-day stipulation or a condition as long as it was on the market. The BG gave the appearance of a permanent fix. His issue with his properties pertained to desiring a permanent fix and not having to worry about the zoning being changed in the future.

Tyke Robertson Jr. of 430 Wedgewood Court yielded his time to Jesse Meeks.

Jesse Meeks of 807 Washington Street said he and his wife, Adrian Meeks, had been together for 50 years and had rebuilt The Boulevard together. When they first went to the area, it was consumed with drug activity. There was a brick house in particular on the corner with a field below it where one could purchase anything they wanted. He bought the lot from Jimmy Walker for \$4,000 and paid \$6,000 to have it pushed off. They cleared the lot and paid \$25,000 to have a fence put up because people were coming through the fence trying to access the drug house behind it. He bought the lot as BG and bought the Mize Motors building as BG for \$110,000, even though the windows were knocked out of it. He paid \$25,000 to have it fenced in. He had a state-of-the-art body shop in the building, which housed Jay Stultz's car that had been rebuilt. They just wanted their BG district back and he did not care what it was called. He owned 10 buildings on one side of the street and had spent thousands of dollars on all of the buildings. Each of the buildings needed a new roof, which was \$20,000 each. They recently purchased the cabinet shop because it was beside their other buildings and was becoming dilapidated. They intended to fix it but still wanted their BG district back so they could operate. He said the City was not going to get anyone in The Boulevard

area to spend the money he and his wife had spent or that Mr. Hensley had spent. He said that Mr. Hensley owned one side of the street and he owned the other side of the street. He had five acres of land in the area and needed the BG district back and it was in the Council's power to do so. In 2011, Council awarded him the BG district for the entire five acres and he wanted it to continue in the same manner. The businesses needed all of the things they were doing under BG to continue what he and Mr. Hensley were doing. They did not ask the City for any money and they spent everything out of their own pockets in regards to fixing and painting. They did not have dilapidated property. He and Mr. Hensley had purchased all of the drug houses in the area was not because the houses were pretty, but because the people were ugly and it was nasty. They fixed that problem, which now allowed people to walk the streets on The Boulevard. There were a few buildings in the area that still needed work but not on his side of the street. He wanted everything back he previously had. He was producing nice cars out of his building and had about 20 of his own that were antiques and classic cars. There was a cabinet shop. Ms. Blackstock was doing a good job across the street. They did not want the City's money. They wanted Council's vote to keep the area BG. He and his wife had been up late at night reading and found where other towns had BG and it did not necessarily have to be an industrial zone. They wanted back what they had and would keep working to make the city look good.

Adrian Meeks of 807 Washington Street said she and her husband, Jesse Meeks, were not concerned only about The Boulevard and their area, but were also concerned about their neighbors. When they found out their zoning was taken away from them and they were presently in non-compliance, they were told they could still continue doing what they had been previously doing, but it was not the same. Their zoning was taken away from them. She began looking at their other neighbors and found where many of them had been changed. She stated that Mayor Hall mentioned there had been a lot of changes made that might involve a few needing to be fixed, but just in their area alone, there were several. There was a building on the corner of Hamilton and Bridge streets where there was a car lot and a fabrication shop that had been there for many years. Their zoning was changed to NMX, which meant they were not in compliance. She asked what would happen if it were to burn. Some of the places that changed appeared to not be in compliance. Ricky Vernon who conducted inspections changed to NMX. Josh Smith had a garage and was now NMX. Their property on Bridge Street and Ronnie Everett at the bottom of the hill on Bridge Street was now NMX. The location of 556 Bridge Street was a car lot that was now NMX. Ernesto Gallardo was now NMX. Spray Booth Solutions was NMX and they had wanted to build a building but were no longer zoned for such. Mike's Sheet Metal was now NMX, including the church and bingo building. The location of 215 The Boulevard was now Business Central (BC) where it used to be BG. They had a lot of properties that had been changed. The car wash on the corner that they had previously paid to have changed to BG was now BC. Chilton's Body Shop on the Cook Block was now BC. She stated that she and Mr. Meeks were concerned about all of their neighbors, not just them. The neighborhood standards were not quite what some people thought they should be when they changed it.

The signature for 2211 Third Street was illegible and the person did not come forward when called by Mayor Hall.

Greg Brust said he and his wife owned 802 Washington Street. They went through zoning issues about four years ago to have it where it currently was. He was unsure as to what he was disputing because he had not received a letter or any notification from the City explaining what was going on. He said the business he owned was his retirement place to do some fixing, such as window tinting, but he did not know what he could or could not do with the new zoning. He asked where he would find that information.

Ms. Stultz told Mr. Brust to come see her.

Merinda Easley of 755 Laurel Park Avenue in Martinsville, Va., and pastor of Shaw Christian Church on 208 The Boulevard said that Mr. Hensley, Ms. Blackstock and Mr. and Mrs. Meeks addressed all of her issues in their previous comments.

Stella Young and Terry Young, 205 The Boulevard, did not come forward when called by Mayor Hall.

Mayor Hall asked if there was anyone in the audience who signed up to speak and was not called, as there was one line that was illegible. No one came forward.

Council Member Carter said to Ms. Stultz that there seemed to be less problems under BG versus the way it was currently zoned. He asked if the UDO was a toolbox that could be tweaked to add BG back into it.

Mayor Hall noted that there was a second page with a signup by J.R. Vernon. It was noted that Mr. Vernon had already left the meeting.

Ms. Stultz said the BG district that the City previously had was the most liberal district that allowed several more intense things than industrial. There was previously a zoning case where Mr. Hensley and Mr. and Mrs. Meeks addressed Council and requested to have a lot of properties on The Boulevard rezoned to BG because they wanted to operate car businesses. The new BC district would allow minor repairs and restoration with the same four standards that were in BG. For major repairs, it would not allow such. She had recently heard from several present at the meeting but had not heard from all that spoke during the public comments section. Last month, there was a zoning case brought to Council to make some amendments to BC and NMX that would permit some of the issues brought forth during the meeting to allow businesses some permitted uses but it was sent back to the Planning Board for them to reevaluate. She had spent some time over the last few weeks trying to figure out what was the best thing to do in order to accommodate what the community standard was while also protecting the integrity of the UDO that she recommended and Council adopted. She said the next Planning Board meeting would be held on May 25 at 5:30 p.m. and would likely be held in the Council Chambers due to the number of attendees. She stated that if someone was operating a business before the new UDO was adopted, they could still do so, but would be considered a legal non-conforming use as there was nothing in the ordinance that would put anyone out of business immediately. She believed the amendment being taken to the Planning Board would accommodate the businesses heard from at the meeting. She was aware the Moore family had a business that had not been operated in a while and they wanted to be able to use it and thus, there did need to be care given in regards to how the City inserted businesses into residential areas. Assuming the amendment went to the Planning Board and was then approved by Council, it would allow automobile vehicle sales, rental service and minor repairs into NMX and BC districts with some simple standards, which they already had, while major repair as a permitted use with standards would be allowed in both districts. For example, if Mr. Meeks were to have come in as a brand new business where Mize Motors used to be, the City would already have made some requests for the fences and screens but because he was a preexisting business, the City could not require him to do any of those things that a new business would have to do. She encouraged citizens to attend the Planning Board meeting on May 25 where their interests would be brought before the Planning Board, in which she had recommended in favor of some changes. There was never intent to put anyone out of business. She said Mr. Meeks shared with her that he wanted her to initiate an amendment to rezone his property to Heavy Industrial and at his request, she did ask the Planning Board to do so and it would be addressed at that meeting as well.

Council Member Epps asked that even though the State did not require letters to be sent out, if Council could make a policy exception that anytime it had this type of matter, the City would send out a letter as that was something he would like to see done.

Ms. Stultz said yes.

Council Member Carter said it seemed to be affecting a lot of businesses in the community that the City did not want to lose, businesses where people had put their lifestyles into them. He wanted to see what could be taken back to the Planning Board and paralleled with BG because it seemed like it was a fit and accommodated a lot of people.

Ms. Stultz said it made sense but there were a number of uses that they did not want to add back into BC or NMX.

Council Member Nooe said there seemed to be some people who did not know what was actually allowed in the list of permitted uses. He proposed telling people who were not aware of what was permitted to contact Ms. Stultz so she could inform them. Then, if there were still questions, they could come back to the Planning Board and City Council with specific requests that could be considered. Some of it would be educating people on what the zoning currently allowed.

Ms. Stultz said she would be happy to inform people. The City now had tools that it previously did not have and one of those was the ability to do conditional use zoning. If someone wanted to operate a business in NMX that it did not currently allow, they had the ability to prove that they could make enough protections to their property to be able to operate the business in that particular district, but that was something the property owner had to initiate, not the Planning Board. The City had the ability to negotiate such and the property owner would be allowed to do something in their zoning district that they would not have normally been able to do. That new tool was available to anyone.

Council Member Carter asked how far that exception went or if it was tied to a sale in regards to how closely the business started back up after closing.

Ms. Stultz said if a conditional use zoning district was applied to a piece of property, it would remain the same until the time came where it was brought before Council to be changed. It was permanent.

UNFINISHED BUSINESS:

There was none at this time.

NEW BUSINESS:

- a. Consideration and adoption of the Capital Improvement Plan.

Mayor Hall called on Mr. Mendenhall.

Mr. Mendenhall said the intent of the Capital Improvement Plan (CIP) was to guide the allocation of all capital expenditures for budgetary purposes. Capital expenditures were broken down into three separate funds that ran for a duration of 10 years: (1) Water and Sewer Fund; (2) Sanitation Fund; and (3) General Fund. He said it was discussed in detail at the special called meeting for the budget and he welcomed any questions.

There was a consensus of appreciation among Council for the CIP.

Mayor Hall said the CIP had been presented over the past few months and it involved looking forward and being ready for things down the road.

Council Member Ellis said in the years past, department heads had been asked to submit five-year plans but nothing similar had ever been brought to Council in the past. This was one of the best things that looked promising for the City.

A motion was made by Council Member Epps to adopt the Capital Improvement Plan. Council Member Hampton seconded the motion. All members voted in favor of the motion. The motion carried, 7-0.

- b. Consideration to establish liens and authorize legal action in order to collect demolition costs on 21 properties (as listed in memo).

Mayor Hall called on Ms. Stultz.

Ms. Stultz said the City continued to incur funds associated with code enforcement actions for demolitions and nuisances. The law required that Council authorize legal action, which gave City staff, particularly the City Attorney, the authority to proceed with the necessary means to recoup funds associated with code enforcement actions. City staff asked that Council authorize such for the 21 properties listed in the memo in order to collect demolition costs.

Council Member Ellis said some of the properties listed had not been brought to Council since 2017 and 2018 and asked if that was because the property owners did not come back and pay.

Ms. Stultz said there were lots of different issues, such as some heirs involved or others not paying taxes. Presently, the City sent the fees to the County to be attached to the tax bills. Generally, the properties were abandoned. Many times, if the City demolished a piece of property, more was owed to the City than the lot was worth. The collection of demolition costs was a way of cleaning out the liens and bringing them back to be more productive. In recent months, there had been discussion about the City's Affirmative Maintenance Program that City staff hoped to start at the beginning of the upcoming fiscal year along with the possibility of landbanks, which would give the City the ability to promote infield development in the community where there was already water and sewer available. That would help redevelop the properties and place them back on the active tax rolls. The collection of demolition costs was the start of the process.

Council Member Hunnicutt asked Mr. Mendenhall and Ms. Gilley if the City had a plan as to what legal entity was going to own the properties as it related to the City inheriting some of the properties. It seemed to him that the City needed to have some type of entity that was a subset of the City to own the properties so the title would not go directly to the City. There could be an environmental issue or something the City would inherit that it would not want to inherit.

Mr. Mendenhall said yes, that was the plan. The question about how the pass-through occurred with the City collecting the properties, having the deeds filed and clearing the liens was more of a legal action that he wanted to defer to Council in regards to how that would work. Management had not thought that process completely through but it was on their list of things to do.

Council Member Hunnicutt questioned if it would be similar to the landbank concept where there was an entity and a legal process that flowed right through the City.

Mr. Mendenhall said that was the direction they wanted to go but were not there yet.

Ms. Stultz said if the City had a Community Development Corporation, it could buy the property at auction and therefore, be the owners.

Ms. Gilley said with a foreclosure, the title would come directly to the City. Depending on the corporation, if it were to be City funded and City staffed, then it would be considered a City organization and the City would have ownership of the properties. All of the obligations and liabilities that would come with the City would come with the organization as well. She was unsure what the formation would be but stated it could be that the City established it in a private corporation's name that it was funded through but then it would not be controlled by the City.

Council Member Hunnicutt said one of his understandings about the landbank concept was that it could inherit properties and the liability would be limited only to that legal entity. He hoped the City would never get into anything, but he suspected some of the properties are or were commercial properties that could come with environmental issues that could potentially lead to liability for the City.

Mayor Hall asked Mr. Mendenhall and Ms. Gilley to work to see if there was a legal entity that would work for the City to help avoid liability. The item on the agenda was to begin legal action so the City could attempt to collect demolition costs.

Council Member Epps said he had seen property over the years where the City had to demolish it and in turn, prospered by selling the property and having good people move in, which made the area better than it was to begin with.

A motion was made Council Member Epps to establish liens and authorize legal action in order to collect demolition costs on 21 properties. Council Member Ellis seconded the motion. All members voted in favor of the motion. The motion carried, 7-0.

- c. Consideration to establish liens and authorize legal action in order to collect nuisance abatement fees on 101 unpaid invoices (as listed in memo).

Mayor Hall called on Ms. Stultz and said it was basically the same thing as the previous item but Council had to give Ms. Stultz the authority to begin the collection process.

Council Member Ellis asked GIS Specialist Debra Madison if the list of properties included in the memo was the same list that she had in her office at one time. He said it was an eyesore for Eden. He received phone calls from people reporting such properties and the City wanted to make sure the properties around the town looked good, which he felt people were striving to do. A lot of people did not live in Eden anymore, but they still left their homes in the area, claiming they were summer homes, which they were not.

Council Member Ellis made a motion to establish liens and authorize legal action in order to collect nuisance abatement fees on 101 unpaid invoices. Council Member Hampton seconded the motion. All members voted in favor of the motion. The motion carried, 7-0.

- d. Consideration to approve Uptown Eden Interim Work Plan.

Mayor Hall called on Ms. Stultz.

Ms. Stultz said after Mr. Mendenhall began working for the City, he created the Internal Technical Review Committee (iTRC), which was a committee of all department heads who strived to work through lots of issues. The interim work plan entailed immediate work that needed to be addressed in the Uptown Eden area and City staff was trying to attend to it in the proper order so new concrete or asphalt would not be damaged. Only a few of the items listed needed action from Council.

- A. Bridge Street Parking Lot - Wall and Tree Removal

Ms. Stultz said City staff had determined that the trees and wall in the Bridge Street parking lot belonged to the City. The Leland Cypress trees were looking pitiful as they were planted in the mid-1990s and needed to be replaced. Bids would need to be obtained in regards to replacing the wall in the parking lot. The City's force account was willing to remove the trees and replant something else in the future.

Council Member Epps asked if the work would be done in-house.

Ms. Stultz said some of the work would be done in-house, but the wall would not because it would involve some engineering and other things. She showed an aerial view of the property in question.

Council Member Ellis asked why the Leland Cypress trees had to be taken down.

Ms. Stultz said they looked bad and people had expressed to City staff that they were afraid to use the parking lot because the trees make it extra dark. Therefore, they were working on lighting issues to improve usability of the parking lot that belonged to the City and the trees were of the age where they needed replacing.

Council Member Hunnicutt asked if permission was being sought from Council to obtain bids for the wall replacement.

Ms. Stultz said yes and City staff wanted Council to be aware of what was going on with the parking lot.

B. Emerine Parking Lot Lease - 600 Washington Street

Ms. Stultz said the Emerine parking lot used to be Southern National Bank's parking lot. She pointed out the blue lines in the picture, which displayed what already belonged to the City. Leasing the parking lot would secure at least 14 more parking spaces. Director of Transportation Engineering Tammy Amos had estimated it would cost \$14,000 to pave the section that the City planned to lease. Staff intended for a 15-year lease to be drawn up by Ms. Gilley, which was what the lifespan of pavement was estimated to be, with the understanding that it could be renewed at the end of that time period. A parking study had been conducted, which would become part of the small area plan, but because it had already been discussed enough with the merchants, it was staff's opinion that the lease should go ahead and be drawn up. Staff was seeking Council's endorsement for or against the project.

Council Member Nooe asked what the lease amount would be.

Ms. Stultz said the City would have to pave the parking lot as a lease payment.

Ms. Gilley said it had not been confirmed with the property owner but that was the intent of the negotiations. However, the lease would come before Council before it was to be signed.

Council Member Ellis asked if the names of the owners could be released.

Ms. Stultz said yes. The Emerines were the owners, and they had an accounting business in the former bank building.

Council Member Moore asked if the owners had talked favorably about the situation.

Ms. Stultz said yes and added that Mr. Hunt had been discussing things with the owners.

Council Member Nooe asked how many total parking spaces were in the parking lot and how many parking spaces the Emerines planned to use.

Ms. Stultz said the Emerines would be using the parking spaces located just outside the lease area as they would not be parking in the City's parking spaces.

Ms. Amos said it was about 23 or 24 total parking spaces in the parking lot.

Ms. Gilley said it would be an open parking lot to the public but the accounting firm had their own parking spaces.

Ms. Stultz said the Emerines were not anxious about the public using their portion of the parking lot.

Council Member Hunnicutt asked if anyone had conducted a study to see what the most efficient use of the parking lot would be in regards to what the City had and what it would get for 15 years.

Ms. Stultz said she knew if the City was able to lease the parking lot, it could be lined differently based on the City's ordinance standards, which might help to gain even more parking spaces. City staff conducted a parking study of the entire area to assume 100 percent occupancy of every building at all times, but they knew that was not possible. All of that information had been sent to the consultant.

Council Member Hunnicutt said it appeared there were multiple entrance and exit locations and he wondered if there was a more efficient way to handle the parking lot where there was possibly only one entrance and one exit, which would allow some of the driveway to be converted into parking spaces. He would let City staff sort that out, but he definitely hoped staff would look at that possibility if the City was going to control the parking lot for 15 years.

Ms. Stultz said she was mistaken. The lease would be for 20 years instead of 15 years.

Ms. Gilley said the years were based on the life of the pavement and at the end of that time period, the City could evaluate if they wanted to renew the lease or not.

Council Member Nooe asked if City staff had looked at removing the wall and regrading the parking lot to make it look better.

Ms. Stultz said staff had not had an engineer to look at it yet, as they were waiting to talk to Council first.

Council Member Hunnicutt said he was wondering the same thing. There was a brick wall at the old railroad right-of-way and it might be more efficient if it were removed.

Mayor Hall asked if a motion was needed to endorse the parking lot lease.

Ms. Stultz said yes.

Council Member Carter made a motion to proceed with trying to obtain more information regarding the Emerine parking lot lease located at 600 Washington Street. Council Member Moore seconded the motion.

Council Member Nooe said he felt the City needed to get as much information as possible before it started tearing things down.

Mayor Hall said the lease would have to be brought back to Council before it was finalized or any money was spent on it.

Council Member Hunnicutt asked if the motion would be for items A and B.

Mayor Hall said there was no need for a motion on item A.

Council Member Nooe said if the City was going to rework the parking lot, there might not be a need for the wall, which was his recommendation as there was no need to spend thousands of dollars on a retaining wall if the parking lot could be reworked in a better manner while repaving it.

Council Member Epps said the City could proceed with taking care of what it owned.

Council Member Nooe said to lump them together and do what was feasible.

Ms. Stultz said that would involve the City hiring an engineer and much of the suggested work was something the City's Engineering Department could handle.

Council Member Nooe said he wondered if the work could be done in-house or if there was possibly a reason grade-wise as to why the City could not do the work, which would eliminate the need to hire an engineer to perform work that could not be carried out.

Mayor Hall said it was on the agenda as one item and asked if Council should vote at the end of the discussion on the entire plan or if they should vote on each individual item after it was discussed.

Ms. Gilley said after each individual item would probably be better but it did not matter from a legal standpoint.

Mayor Hall said the motion was to endorse items A and B.

A motion was previously made by Council Member Carter to obtain more information about the Emerine parking lot lease at 600 Washington Street and the possible need for a replacement retaining wall at the Bridge Street parking lot. Council Member Moore previously seconded the motion. All members voted in favor of the motion. The motion carried, 7-0.

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

Ms. Stultz said the City owned some property behind the area marked "C" on the picture shown and staff was interested in the possibility of more parking in the area or spaces for dumpsters. The intent was to see what could be done with that property in an effort to make it more productive.

- D. Henry Street Parking Lot

Ms. Stultz said Mr. Hunt had applied for a grant to install an electric vehicle charging station on the piece of property.

- E. Henry Street Waterline Replacement and Patrick Street Sewer Manhole and Line Replacement.

Ms. Stultz said the letter “E” shown on the picture marked what Council voted on in April for the Henry Street waterline replacement and the Patrick Street sewer manhole and line replacement.

Mayor Hall said that work was done to get ahead of the paving.

Ms. Stultz agreed and said both projects were underway.

F. Hotel/Ray Commons Sidewalk at the Corner of Monroe and Washington Street

Ms. Stultz said the owner of the Ray Commons building had expressed interest in having the grate and stairway filled in. One option received from City staff was a floating sidewalk in which a shop drawing was attached to the memo provided to Council; however, it would have to be reviewed by a structural engineer and would be paid for by the City. The second option involved the City granting the owner an encroachment agreement where the owner would pay, leaving the City outside of the potential risk of what might happen to the wall of the building. The third option involved a flowable fill with an encroachment agreement that the owner pay for the improvements but concerns were raised about putting additional pressure on the outer walls of the building.

Council Member Hunnicutt asked if the grate and stairway were in the City’s right-of-way.

Ms. Stultz said it was but the City could grant the owner an encroachment agreement where he would deal with the right-of-way and if there happened to be pressure on the building from filling it in, the responsibility would fall on the owner and not the City.

Council Member Hunnicutt asked if there was any indication the owner was willing to undertake that.

Ms. Stultz said yes.

Mayor Hall said the owner was in attendance at the meeting if he wished to speak.

The owner declined.

Ms. Stultz said City staff was seeking Council’s input as to whether they wanted it to be a City project or if they wanted Ms. Gilley to prepare an encroachment agreement and leave it up to the property owner.

Mayor Hall said he was OK with such at a minimum. He asked if the motion needed to be for an encroachment or the exploration of an encroachment.

Ms. Stultz said the encroachment agreement would be brought back before Council, but City staff needed to know if that was the option that Council wished for them to pursue.

Council Member Ellis made a motion to pursue an encroachment agreement for the Ray Commons sidewalk at the corner of Monroe and Washington Streets as long as it was determined it was not a required access point to the building. Council Member Ellis added that the owner should pay for the improvement. Council Member Nooe seconded the motion. All members voted in favor of the motion. The motion carried, 7-0.

G. Alley behind Ray Commons Building - Monroe Street

Ms. Stultz said the alley behind the Ray Commons building was public to the point as outlined in yellow on the picture shown. The City had maintained the alley in the past. Ms. Amos estimated it to cost \$5,000 to repave the alley. There was a drainage issue in the alley and thus, Ms. Amos and Mr. Dishmon went to

the site and discovered the building gutter drain was not connected to the storm drain as it had been before the recent renovations took place. She recommended the drainage issue be corrected by the owner. The old 2-inch waterline would be removed by staff before the alley was paved.

Council Member Hunnicutt asked if item G needed to be approved.

Ms. Stultz said no because it was completely maintenance. It was given to Council for informative reasons only.

Council Member Ellis asked Ms. Amos when the alley was last resurfaced.

Ms. Amos said she had not resurfaced the alley during her 26 years of employment with the City.

Council Member Moore said it was always personal property in the past and was not City-owned.

Ms. Amos said it was not Powell Bill eligible. If it was resurfaced, it had to be paid for out of the General Fund account. There had not been a need to repave it until the recent construction started, in which it was presently torn to pieces. The alley was going to have to be torn out, but City forces would remove the existing asphalt, perform some grade work, possibly recondition some stone and then place the topping on it. It was only 143 feet long.

Ms. Gilley said she conducted some research on the alley and that portion was public right-of-way.

Ms. Stultz said the other end of the alley was not.

H. Monroe Street Resurfacing

Ms. Stultz said Monroe Street was proposed to be resurfaced in the budget beginning July 1. The edge millings, structure adjustments and all of the things that went along with it would be completed with Powell Bill funds and completed in the spring of 2022. The City had several other things that needed to be addressed in the area and therefore, the paving needed to be last.

I. Monroe Street Parking Lot Resurfacing

Ms. Stultz said the parking lot had not been resurfaced since the City owned it. It was estimated to cost \$22,000.

J. Monroe Street Parking Lot Drainage Improvements

Ms. Stultz said a citizen registered some issues about drainage at the end of the parking lot. It had been determined that improvements needed to be made to the property. Ms. Amos estimated the improvements to cost roughly \$9,500, which would include a manhole with a ring and a cover, one concrete box with frame and grate, asphalt replacement and a new section of curb and gutter. Staff was seeking permission to proceed with the project.

Mayor Hall said he perceived the work as maintenance but understood there was more to it than just that.

Ms. Stultz said it involved more money than staff could approve without Council's approval.

Council Member Hampton made a motion to approve resurfacing the Monroe Street parking lot and making the necessary drainage improvements to the Monroe Street parking lot. Council Member Epps seconded the motion. All members voted in favor of the motion. The motion carried, 7-0.

K. Washington Street Crosswalk Installation

Ms. Stultz said the Washington Street crosswalk installation involved decorative crosswalks which was approved at the April City Council meeting. It was included in the memo as a reminder to everyone that it was encompassed in the overall project.

L. Monroe Street Sidewalk

Ms. Stultz said the Monroe Street sidewalk on both sides of the street needed replacing, which would be done by City forces. It would be part of the normal working budget and Municipal Services would handle the project. It was part of maintenance but City staff wanted Council to be aware of what was being done.

M. Washington Street Pedestrian Signals

Ms. Stultz said the rapid expansion of residential units and increased number of businesses in Uptown Eden had resulted in a significant increase in foot traffic. Staff met with NCDOT and they planned to install 20 pedestrian signals, which would cost \$78,000, funded entirely by NCDOT. Because it had always been practice for anything that went to NCDOT to be approved by Council, staff asked for Council to endorse the project so NCDOT could proceed.

Council Member Hunnicutt asked what the positions of the Eden Downtown Development and Leaksville Merchants Association were.

Ms. Stultz said they were all in favor of it.

Council Member Epps made a motion to approve the Washington Street pedestrian signals. Council Member Moore seconded the motion. All members voted in favor of the motion. The motion carried, 7-0.

e. Consideration of a City Attorney employment agreement.

Mayor Hall called on Mr. Mendenhall.

Mr. Mendenhall said there was an employment agreement for the City Attorney that had been reviewed by local Attorney-at-Law Matthew Smith of Maddrey, Etringer, Smith, Hollowell & Toney, L.L.P. It was a request for consideration for ratification.

Mayor Hall said the employment agreement was something discussed during the policy changes as far as the City Attorney and who he/she reported to, which was now the City Council. As seen in some other positions within the County, one could lose favor quickly as an employee for no reason under a different leadership board, which was not a fair way to keep someone employed. The City had the contract drawn up and reviewed by another attorney who assured him it was fairly written and was a good contract for the City and City Attorney.

Council Member Ellis made a motion to accept the City Attorney employment agreement. Council Member Hampton seconded the motion. All members voted in favor of the motion. The motion carried, 7-0.

f. Consideration for an application for pyrotechnics display at Morehead High School's graduation.

Mayor Hall called on Mr. Mendenhall.

Mr. Mendenhall said Dr. Ryan Moody, on behalf of Morehead High School, applied for pyrotechnics display permit for the high school's graduation scheduled for June 3. He asked for Council's approval to issue the permit.

Mayor Hall said such permits were normally an item that would have been under the Consent Agenda section of the agenda and treated in the same manner as the permit for the July 4 celebration each year, but he did not want to put it on the Consent Agenda since Council had not had been given an opportunity to review it before the meeting. The permit was for permission for the high school to use fireworks at the graduation ceremony on June 3.

Council Member Nooe made a motion to approve the pyrotechnics display permit for Morehead High School's graduation. Council Member Moore seconded the motion. All members voted in favor of the motion. The motion carried, 7-0.

REPORTS FROM STAFF:

a. City Manager's Report

Mayor Hall called on Mr. Mendenhall.

Mr. Mendenhall welcomed any questions related to the May City Manager's report.

Mayor Hall thanked Mr. Mendenhall for his report and said he had extra copies of the City Manager's report available. He said it was also included in Eden's Own Journal and available online.

City Manager's Report
May 2021
City Manager Jon Mendenhall

ECONOMIC DEVELOPMENT

Commercial

Burkes Outlet

After 13 years of the City actively recruiting this clothing store, Burkes Outlet will locate in the former Peeble's location in June of this year. They will hold their grand opening on Saturday, June 26. Burkes Outlet is the place to find name-brand products, gifts and stylish clothing up to 70% off other stores' prices, every day. Burkes Outlet gets new arrivals all the time from great brands, top designers and today's latest styles.

Kotis Properties owns Kingsway Plaza. As part of the shopping center improvements, owner Marty Kotis will include 20 murals with the Garden of Eden theme. Kotis has created a mural destination in the "midtown" section of Greensboro where he owns several businesses.

Perkins Professional Day Care Inc.

Owner Elretha Perkins has operated Perkins Professional Day Care Inc. for more than 40 years. Generations of children have been under the care of Ms. Perkins and her staff. During the May 18 City Council meeting, Ms. Perkins was honored for her years of providing safe and nurturing care to Eden's children. Thank you Elretha.

Ample Storage

This latest Eden store celebrated a ribbon cutting on Wednesday, April 7 at its 842 S. Van Buren Road location, next to Tractor Supply.

ModWash

On May 4, this business celebrated its ribbon cutting. Mod Wash has installed new signage and offers monthly rates that allow unlimited washes.

Ingrid's Cupcakes and Confections

What started as specialty cupcakes has blossomed into a wide variety of cake & buttercream flavors, hand-pressed butter mints, cookies, pies, cake pops and more. All of Ingrid's products are made fresh-to-order and with nothing more than is needed. Each and every cake is a custom creation based on your requests. They are proud to say that they have moved to a commercial location at 238 W. Kings Highway, Suite B, and are no longer a home-based bakery. Their ribbon cutting took place on May 18.

H&B Hardware

The former Builders Mart located at 137 Cox Street is now H & B Hardware, an ACE Hardware store. They have a wide range of hardware and home improvement items. They will celebrate their ribbon cutting on May 21 at 1 p.m.

Industry

Help Wanted!

Virtually all Eden industries and many commercial businesses are eagerly seeking employees. If you need a job, check the N.C. Works website to learn about the opportunities in Eden and Rockingham County.

Nestle Purina

The skyline at this Meadow Road facility will change significantly in the coming weeks as part of the structure's roof is raised 100 feet. Cranes and heavy equipment are on site to complete the process. Originally expected to bring 300 jobs to Eden, the employee count is now 350.

Four jobs have been posted on the www.nestlepurina.com jobs website for the Eden facility. They are Maintenance Supervisor, Production Supervisor, Accounting Coordinator and Storeroom Coordinator. Visit the above website to apply.

Tourism

Grown & Gathered

Our spring Grown & Gathered is SOLD OUT! The event will take place on Thursday, May 20 along the canal at the Spray Mercantile. The food is being prepared by Jarrett Nycamp of The Blissful Palette Events & Catering. Our summer Grown & Gathered will take place August 12.

Piedmont Pottery Festival

The 18th Annual Piedmont Pottery Festival is set to take place on Saturday, June 5 from 9 a.m. to 4 p.m. at the First Presbyterian Church located at 582 Southwood Drive. Potters from all across N.C. and VA will be presenting the finest in handcrafted pottery. There will be demonstrations and door prizes all throughout the day. Admission is free.

RiverFest

We are now accepting vendor applications for RiverFest! Please check out www.ExploreEdenNC.com where you will find applications for artisans/crafters/civic, business and food vendors. Our dates this year are September 17 and 18!

Spring is Here! Explore Our Trails!

Spring in Eden is a beautiful time of year! Take advantage of these warm sunny days and get out and explore the Smith River Butterfly Trail along the Smith River Greenway where you can also visit the otter sculpture or view the river from the observation deck. Walk along the beautiful Matrimony Creek Nature Trail and have lunch or supper under the shelter. You can also visit Freedom Park with all its fun things to do or walk the Freedom Park Nature Trail. Come sit or swing in Grogan Park and enjoy the shady trail area, chimes and public art. So many options!

ENGINEERING

FY 2020-21 Street Resurfacing Contract, No. 2

The subcontractors for Waugh Asphalt, Inc. have completed the asphalt milling and structure adjustments on all of the streets to be resurfaced. The paving crew is scheduled to start the resurfacing operation the week of May 10, as weather permits. The projected completion date is May 21.

NCDOT Road Resurfacing – Kings Highway

APAC-Atlantic, Inc. has completed the street resurfacing on Kings Highway. The permanent pavement markings will be installed after the City completes the resurfacing of Kennedy Avenue.

NCDOT Road Resurfacing – Washington Street

Dudco, Inc. started adjusting and/or replacing the water and sewer structures on Washington Street on May 10. The following is tentatively scheduled for the following dates:

- Pavement Repair-week of May 10 (daytime work)
- Replacement of the Old Signal Loops-week of May 17 (night work)
- Resurfacing (paving) Operation-date has not been set

Waterline Replacement Projects Update

Installation work for the Bridge Street waterline replacement project is expected to begin in early June, if not sooner. Traffic in the block between Irving Avenue and Oak Street will be impacted while the section of a 6-inch diameter water main is replaced.

Revised preliminary plans prepared by LKC Engineering, PLLC for four future water main replacement projects are expected to be received by mid-May for review, followed by submission of the plans to the Public Water Supply Section for review and approval.

PARKS AND RECREATION

COVID-19 Updates

COVID-19 numbers are more stabilized, thus opening more things up for Parks & Recreation and its facilities. Governor Roy Cooper increased the number of people allowed to gather indoors from 50 to 100 and the number outdoors from 100 to 200.

Bridge Street & Mill Avenue Recreation Centers

These two facilities will be open Monday through Thursday from 12 p.m. until 7 p.m. and from 10 a.m. until 6 p.m. on Fridays.

During the past month there were approximately 568 visits at Bridge Street and 2,588 visits by residents at Mill Avenue that participated in the following activities: exercise classes, basketball (Around the World), basketball (Horse), pickleball, walking track, playground and weight lifting. The after-school program continues at the recreation centers.

Facility Rentals

We are now renting out shelters and some facilities. Karate classes are once again being held at the Boone Road facility.

Freedom Park

During the past month, there were approximately 4,000 visits by residents and non-residents who participated in the following activities: walking track, nature trail, skateboard park, basketball courts, playground use and dog park.

The Splash Pad will open on Memorial Day.

The miniature golf course is now open Friday through Sunday from 4 p.m. until 7 p.m.

Freedom Park and all other greenways and trails are closed each day from dusk until dawn unless there is an event planned. The gates at Freedom Park will be locked accordingly.

Garden of Eden Center

The Senior Center was very active for the month of April with approximately 608 visits. It offered paint classes, mahjongg, pickleball, exercise classes, cornhole, knit and crochet, strength and balance, legal aid, quilt guild, Friends Club, bingo, water color class, craft class and technology assistance. Virtual Zoom workshops were held, along with NCBA, on “Bearing Fruit as we Age” and “Still Cruzin’” on new N.C. requirements for ID, Real ID or Gold Star licenses.

An appreciation lunch for the VITA volunteers was held on April 9.

Senior Games began on April 13 with the cornhole and pickleball events being held in Eden.

The center's community garden is starting to blossom.

Mill Avenue Pool

The Mill Avenue pool will open on Memorial Day.

Sports Programs

Co-ed Peanut Baseball (ages 4 - 6) will practice on Tuesdays and Thursdays at 4:30 p.m.

Adult/Youth Kickball playing pick-up games on Tuesdays and Thursdays at 6 p.m.

Baseball and Softball pick-up games are on Mondays and Wednesdays at 4:30 p.m.

All practices and games will be held at Freedom Park.

PLANNING & INSPECTIONS

Collections

Payments received from Rockingham County Tax Department during the month of April for code enforcement fees due to the City of Eden were \$384.58.

Community Appearance Commission

Officers will be elected at the May meeting. Discussion about potential projects was held. Plants were installed in the planters on Washington Street and in The Boulevard downtown area.

Comprehensive Plan

Staff met with consultants from Stewart, Inc. and a meeting with department heads is next on the schedule. The comprehensive plan was different from other plans conducted in the past and would entail the work of every department in the City.

Historic Preservation Commission

The commission met and elected officers. The HPC recommended approval of the Ray Commons Historic Landmark and also initiated a landmark designation for the mural that was uncovered next to the coffee shop in Uptown Eden. The HPC's recommendation for the Ray Commons landmark designation, along with all of the state required paperwork, has been submitted to the State Historic Preservation Office.

Nantucket Mill Project

The City Council considered a participation package for the low and moderate income housing project at their April City Council meeting. The developers indicated their gratitude for the City's assistance.

Ongoing Projects for Inspections:

The Ray Commons project at the old Central Hotel is moving along and the second floor should be complete in May. Annual fire inspections have been conducted for the hospital and the nursing/assisted living facilities. The schools are next on the schedule.

The Osborne Baptist Church additions have begun and should be completed by the end of the year.

Planning Board-UDO Adjustments:

The Planning Board considered five cases concerning the UDO: (1) Z-21-03 to amend Article 5.15 of the UDO to provide for accessory structures in the RA district; (2) Z-21-06 to amend Article 5.06(F) to allow religious institutions without standards in the RMX and NMX districts; (3) Z-21-07 to rezone 7 properties on Stadium Drive, Edgewood Road, Maplewood Drive and Palmer Court from R20 to NMX; (4) Z-21-08 to rezone property at 414 S. New Street from HI to RA; and (5) initiate Z-21-09 to rezone property at 259 The Boulevard from BC to HI.

Snipe Signs

Staff is removing signs from the right-of-way daily.

Uptown Eden Small Area Plan

The Council authorized the small area plan for Uptown Eden (Leaksville) at the April City Council meeting. A walking tour of the area within the Municipal Service District was held and included views from Henry Street as Karastan Mill would be included in the Uptown Eden plan.

Downtown and Economic Development Activities

Cook Block

The most visible vacant building has been sold and will be remodeled as office space.

Grants Under Management

COVID-19 CDBG Assistance to Low and Moderate Income Citizens Grant

The consultant for the grant will be chosen at the May City Council meeting.

Draper CDBG

The Environmental Review has been completed and its record was posted on the City's website and advertised in the Rockingham Now. It is available for review at City Hall. The comment period for the record has ended and the report has been sent to the Department of Commerce with a Request for Release of Funds for this grant.

NCDOT – Stadium Drive Sidewalk

The project is gaining final approval from NCDOT. A list of property owners for potential easements has been given to the City Attorney.

Pedestrian Plan

A second Steering Committee meeting would be held at the regular May meeting of the Planning Board.

Urgent Repair Grant

The City was not funded this year. However, the City was very close in points and was urged to apply for the next cycle.

POLICE

Members of Police Administration will be attending and participating in a county wide 'Next Generation 911' event at the Rockingham County Emergency Operations Center. The two-day event will be scenario-based training that will include scenarios such as vehicle crashes, multiple tornadoes, HAZMAT events, structure fire, multi-jurisdiction pursuit and cyber/physical attack. The focus of the training is communications and interoperability with multiple jurisdictions and entities to see how it is currently conducted and how it may be improved using modern NextGen 911 technology.

PUBLIC UTILITIES

The Mebane Bridge Wastewater Treatment Plant received its updated permit that went into effect on May 1. Based on NPDES guidance regarding the reduction of monitoring frequencies in NPDES permits for exceptionally performing facilities, monitoring requirements for BOD, NH3-N, Total Suspended Solids and Fecal Coliform have been reduced to twice per week. The plant has not had any violations for the past nine years, so they granted our request for reduced monitoring from five days a week to two days a week. These will result in a significant savings in lab analyses and free up operators' time to help in other areas of the plant. This team has worked well together to stay on top of all problems and keep them from getting out of control.

- b. Report on advisory committee proceedings.

Mayor Hall called on Mr. Mendenhall.

Mr. Mendenhall said the City wanted to closely collaborate, partner and communicate with its advisory boards, committees and commissions. The City had a host of citizen advisory groups who worked hard each month to look at zoning, community appearance, historic preservation, strategic planning, and parks and recreation. He called on Ms. Stultz to discuss the work of the Planning Board.

Ms. Stultz said everyone was aware of how busy the Planning Board had been in the previous weeks dealing with various cases heard earlier in the meeting, but they were also the steering committee for the Comprehensive Plan. On April 30, staff met with consultants from Stewart, Inc., in which they asked to

meet with all department heads. After doing some work and giving the consultants a tour of Eden, they were able to see what Eden needed and what needed to be taken care of. They also spent time in the Uptown Eden area and decided to include Karastan in the Uptown Eden small area plan. The City needed plans for what happened in each area going forward. The Community Appearance Commission had a meeting in April but only four members were present. Unfortunately, the commission had experienced issues with attendance and as a result, Ms. Stultz encouraged Council members to consult with her to see if the attendance issues were with any of their appointees. On behalf of the Community Appearance Commission, City staff installed plants in the planters along Washington Street and The Boulevard with plans to extend to the Draper area next. The Historic Preservation Commission did meet and elected officers. Discussion was held concerning the new funding process whereby none of the commissions were given funds in the upcoming fiscal year's budget. The commissions would instead prepare a work plan that Ms. Stultz would present to Council at one time in order to request funding for the various projects. There was also discussion about landmarking the Ray Commons building. The Tree Board only had three members present at the April meeting which was not enough to elect officers or move forward. They met again the week of May 17 and five of the eight members were present.

Mr. Mendenhall called on Mr. Vernon to discuss the works of the Parks, Recreation, Open Space and Greenway Commission.

Mr. Vernon said the new commission had met twice in the past two months. It was just getting started but the commission was headed in the right direction. The commission was broken down into three committees: a Greenspace Committee, a Facilities Committee and an Activities Committee. The commission had nine members and had also been fortunate to have Ms. Stultz, Ms. Gilley, Council Member Hunnicutt and Council Member Carter attend the meetings as well. At the first meeting, the members each took turns discussing their reasons for being on the commission. Each member seemed to have the community at heart and was striving to make Eden a better place for its citizens and community in general. The commission planned to meet in June and would divide up into the three committees to discuss which direction they needed to go and where they wanted to be. Recreation had taken a turn over the last several years and needed to head in a different direction. With all of the greenways, trails and rivers that were available, the City's facilities needed to be utilized.

Mr. Vernon also spoke about the miniature golf course at Freedom Park that had been discussed several months ago when he first became Interim Director of Parks and Recreation. There were two individuals who owned the miniature golf course that the City had been utilizing for the past three years. Originally, previous management had a plan to purchase the miniature golf course for \$18,000. After speaking with one of the owners in April to see if they would be willing to take less than \$18,000, Mr. Vernon was told the lowest they would accept was \$15,000. The owners advised that if the City did not want to purchase the miniature golf course, they would come back at the end of the season and pick it up. Mr. Mendenhall and Mr. Vernon had previously discussed the fact that because the City had used the miniature golf course for the past three years and the depreciation of the course due to its location, the City would lease it from the owners for the past two years and for the present year at a cost of \$1,500 for each year, equating to a total of \$4,500. If the City did not wish to purchase the miniature golf course, the lease payments would at least keep the owners from being at a complete loss for the years they allowed the City to utilize the course. The owner said he originally offered the miniature golf course for the community and was not much interested in the money but had verbally agreed with previous management for the City to purchase it for \$18,000. It was a place where people could utilize the course if desired and if the City did purchase the miniature golf course, it could possibly obtain more use out of it by moving it to a different location at Freedom Park, perhaps a more shaded area. The City could also offer a packaged deal with the splash pad and miniature golf course and have one attendant at the concession area to watch over the stand and the miniature golf course.

Mr. Mendenhall asked Council to refer to item 11(b) in their agenda packet where the renegotiated price of \$15,000 for the miniature golf course was listed. The idea behind the lease was that the City did receive benefit from the miniature golf course for the past two years and would receive benefit over the current year as well for a total of three years, which did equate to some monetary value. The owners needed to be compensated by either purchasing the miniature golf course or compensating them for the past three years of use before being told to remove it. There were some comparisons of prices that Mr. Vernon's department researched, with a low cost of \$9,059 for a nine-hole course, a medium range cost of \$110,000 and a high cost of \$450,000 from Miniature Golf Construction Co., LLC, who built miniature golf courses. If the City were to keep the miniature golf course, it could possibly be moved to a different area that would be more beneficial with a packaged deal offered that would include the splash pad and miniature golf course. In addition, having one attendant to oversee both the miniature golf course and the concession stand would help cut some of the overhead costs of overseeing both areas separately.

Council Member Ellis said he did not respect anyone more than Mr. Vernon as the Parks and Recreation Director and if Mr. Vernon was aware that an agreement had previously been made to purchase the miniature golf course, he felt the City needed to honor that agreement. Council Member Ellis made a motion the City purchase the miniature golf course for \$15,000.

Council Member Epps agreed and said the location of where to place the miniature golf course should be at the discretion of Mr. Vernon.

Mayor Hall said he had asked for some financial numbers from Mr. Vernon and Mr. Mendenhall out of curiosity to see what revenue it was generating. However, he realized it was not an accurate depiction of what its potential was because the miniature golf course had been in the wrong location and no one was able to play for a year during the COVID-19 pandemic. He had received a lot of positive feedback about being able to play. He felt it would have been great for the recommendation to purchase the miniature golf course to have come from the Parks, Recreation, Open Space and Greenway Commission.

Mr. Vernon said he presented the miniature golf course to the commission and while it was discussed for a while, it was concluded that the members were neither for nor against the purchase.

Council Member Hunnicutt said he would rather see the City lease the miniature golf course for the remainder of the year, catch up with the past due rental payments and then decide as to whether or not to proceed with purchasing it. There was a point that had not mentioned but he questioned if the course was owned by a City employee.

Mr. Mendenhall said yes, it was owned by City employees.

Council Member Hunnicutt said he was not debating truth or not, but Council was acting upon what they had been told was a verbal agreement between the former city manager and the former parks and recreation director while there was no record of what was actually said or agreed upon.

Mr. Mendenhall said there was no record of the agreement that could be found.

Council Member Hunnicutt made a motion to give the City some extra time by putting a lease agreement in place, paying the owners for the past two years' worth of lease payments and allowing the Parks and Recreation Department to reevaluate the purchase. At the Parks, Recreation, Open Space and Greenway Commission meeting, he was the one who suggested to not take any action on the miniature golf course because the members were engrossed in the fact that a City employee owned the miniature golf course and the uncertainty of what was agreed upon or not versus being focused on whether or not the City should even have putt-putt as a recreational activity.

Mr. Mendenhall said there was some legal counsel on the issue and there had previously been a budget that the miniature golf course was part of several years ago; therefore, he did not want to pass judgment on any current or former employees. There may have been some legitimate reasons as to why the miniature golf course was never purchased, such as a transition, but he respected Council Member Hunnicutt giving City staff more time to look into the purchase.

Ms. Gilley mentioned there was a past budget retreat where the miniature golf course was discussed. She looked back at the minutes from the retreat and the cost of \$110,000 to \$450,000 was referenced in the minutes, but there was not anything specific about the actual cost. She recalled the miniature golf course being discussed but she did not think an actual action was made at that time in regards to purchasing it or not. She recalled it being mentioned that the miniature golf course would be assessed at the end of the year.

Council Member Hampton said she remembered as well because the miniature golf course was a passion of hers. She brought the topic up at the budget retreat where it was discussed. The City did use the course but it was in pretty bad shape, which she was surprised to see a few weeks ago when she went to look at it. However, she also added that it was placed in the wrong location, which had been previously discussed and she had hoped it would have already been moved. There was no protection of the course and it was not appealing at all. It looked better two years ago when the purchase was first mentioned. Because the City had used the miniature golf course, the owners needed to be compensated for that usage. She mentioned possibly moving the miniature golf course for the remainder of the year and maybe fixing it to a point where it would be appealing. If the owner worked for the City or not, he should be treated fairly and compensated for the time the City used the miniature golf course.

Council Member Epps seconded Council Member Hunnicutt's motion.

Mayor Hall asked Ms. Gilley how to proceed considering there were two motions on the floor.

Ms. Gilley said because there was a motion and a second on the floor, a vote was required.

Mayor Hall said Council would vote on Council Member Ellis' motion to purchase the miniature golf course for \$15,000.

Council Member Nooe asked Mr. Vernon if he was involved in any of the discussions involving the owners being paid for the miniature golf course.

Mr. Vernon said no. He was informed of the agreement by the former Parks and Recreation Director Johnny Farmer who instructed Mr. Vernon to make sure the miniature golf course was purchased by the City.

Council Member Moore, Council Member Nooe, Council Member Hampton, Council Member Epps, Council Member Carter and Council Member Ellis voted in favor of the motion to purchase the miniature golf course for \$15,000. Council Member Hunnicutt voted in opposition of the motion. The motion carried, 6-1.

Mr. Mendenhall called on Cindy Adams to discuss the Strategic Planning Commission.

Ms. Adams said the Strategic Planning Commission had discussed and thoroughly vetted the idea of two promotional items for the City. The two items were requested often from citizens who wanted something referencing Eden on it. Both items would showcase the Small Town Big Outdoors logo and would be sold to the public, clubs and organizations and would also be used as gifts for speakers. The two items were a two-piece stone coaster set, like the ones used for the City's 50th Anniversary, and a front rectangular,

aluminum license tag. The cost of both items was \$1,935, which would come from the already approved Strategic Planning Commission's budget.

Council Member Moore made a motion to proceed with the Eden marketing materials. Council Member Ellis seconded the motion. All members voted in favor of the motion. The motion carried, 7-0.

Mayor Hall thanked the advisory committee members for their time and energy donated into helping the City.

CONSENT AGENDA:

- a. Approval and adoption of the (1) April 20, 2021 regular meeting minutes and (2) April 22, 2021 special meeting minutes.
- b. Adoption of an ordinance to amend Chapter 10 (Personnel), Article XII (Safety and Loss Control) of the City Code of Ordinances to update department titles and a manual section description.

Police Chief and Assistant City Manager of Public Safety Clint Simpson wrote in a memo that the Safety and Loss Control Committee had been reviewing the safety manual in an effort to make updates to stay in compliance with all local, state and federal regulations. Due to changes recently made within the City of Eden organization, the Safety and Loss Control Committee found that Sections 10-12.5 and 10-12.7 needed to be amended.

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 Article XII: Safety Loss Control of the Code of the City of Eden, North Carolina, is hereby amended as follows:

1. Section 10-12.5 Membership and Vacancies subparagraph A shall be amended as follows:
 - A. By deleting the words "Environmental Services" and inserting in lieu thereof the words "Information Technology;"
 - B. By changing the words "Planning & Inspections" to "Planning and Community Development;" and
 - C. By changing the words "Business Development/Tourism" to "Marketing."
2. Section 10-12.7 Safety Rules and Procedures shall be amended by deleting the words "Progressive Disciplinary Program" and inserting in lieu thereof the words "SLC-G Disciplinary Program."

APPROVED, ADOPTED AND EFFECTIVE, this 18th day of May, 2021.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

- c. Approval of a contract with Insight Planning and Development for administrative services for the Community Development Block Grant Coronavirus project.

Ms. Stultz wrote in a memo that the City had been awarded \$900,000 of Community Development Block Grant (CDBG) funds for the NCCDBG Coronavirus (CDBG-CV) Program. The funds would be used to help low to moderate income citizens with utility, rent and/or mortgage payments. A Request for Proposals (RFP) for administrative services was published in the Rockingham Now newspaper and posted on the N.C. Department of Administration's website for Historically Underutilized Businesses. Ms. Stultz recommended the Insight Planning and Development consultant firm be engaged to handle the administration.

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

- d. Adoption of a project ordinance for Metro Pump Station on New Street.

Ms. Winn wrote in a memo that at the budget work session in April, Mr. Mendenhall discussed setting up the construction of the Metro Pump Station on New Street as a capital project fund. The capital project ordinance established a budget for the project that would remain until the project was completed.

Capital Project Ordinance

Be it ORDAINED by the Governing Board of the City of Eden, North Carolina, that pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital Project Ordinance is hereby adopted.

Section 1: The Project authorized is the construction of Metro Pump Station to address Sanitary Sewer Service in annexed areas at the south end of New Street to be financed by a combination of a Grant for Rural Development administered by the North Carolina Department of Commerce and matching funds provided by the City of Eden.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the board resolution, grant documents, and the budget contained herein.

Section 3: The following amounts are appropriated for the project:

Engineering, Design, and Surveying	\$ 152,000
Land (City owned property)	\$ 0
Construction	\$ 911,600
Electric Power Service Construction to Site	\$ 52,000
Contingency 10%	<u>\$ 111,500</u>
	\$ 1,227,100

Section 4: The following revenues are anticipated to be available to complete this project:

NC Department of Commerce – Rural Development	\$ 997,000
City of Eden Water and Sewer Fund	<u>\$ 230,100</u>
	<u>\$ 1,227,100</u>

Section 5: The finance officer is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements, and federal regulations. The terms of the bond resolution also shall be met.

Section 6: Funds may be advanced from the Water/Sewer Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7: The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in section 3 and on the total grant revenues received or claimed.

Section 8: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this board.

Section 9: Copies of this capital project ordinance shall be furnished to the clerk of the Governing Board, and to the Budget Officer and the Finance officer for direction in carrying out this project.

Duly adopted this 18th day of May 2021.

CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

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

ANNOUNCEMENTS:

Mayor Hall said each member was given a calendar that was full of event announcements. He asked Ms. Adams if she had any event announcements that would take place before the next Council meeting.

Ms. Adams said the Grown & Gathered event would take place on May 20 at 7 p.m.; the Piedmont Pottery Festival would take place on June 5 at the First Presbyterian Church; and the Oink & Ale event was scheduled to take place on June 19 in Uptown Eden on Monroe Street.

Mayor Hall said those events could be found on ExploreEdenNC.us and also on the City's website.

Council Member Hampton thanked everyone who participated in the Food Truck Rodeo on The Boulevard on May 1. She said it was a successful day filled with great weather and everyone was able to socially distance. All of the vendors were able to make money.

Council Member Nooe said the Rockingham Community College (RCC) baseball team won their conference tournament and they would be playing in the regions on Friday. It would be a double header starting at 12 p.m. with RCC hosting at the college. He invited everyone to come out and watch them play.

Council Member Ellis said on May 22, Morehead High School would be having their drive-thru graduation. The graduation ceremony was scheduled for June 3 in the evening in the football stadium, which was a first for the school. They would have fireworks following the graduation. He thanked Mr. Ramey and his two well-behaved children for attending the meeting.

Mayor Hall said there would be a ribbon cutting ceremony on May 21 at 3 p.m. at Fire Station 4 for the fire training facility.

CLOSED SESSION:

- a. Pursuant to NCGS 143-318.11 (a)(1) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.

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

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

ADJOURNMENT:

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

Respectfully submitted,

Deanna Hunt
City Clerk

ATTEST:

Neville Hall
Mayor



To: Honorable Mayor and City Council

Thru: Jon Mendenhall, City Manager

From: Todd Harden, Interim Fire Chief

Date: June 2, 2021

Subject: Pyrotechnics Display – Morehead High School

The attached information includes an application for a permit to display pyrotechnics at the 4th of July celebration at Morehead High School. The applicant is Kenny Kirkman and it also includes a contract between Hale Artificer, Inc., and Eden Kiwanis. Hale Artificer has also included their Federal Explosives License/Permit, a Certificate of Insurance, and a copy of their Safety Procedures.

According to the City Code Chapter 7 Article X: Fireworks Displays, the City Council may issue the applicant a permit to display pyrotechnics if the applicant has provided the required proof of insurance and the Fire Marshal has made the required certifications and satisfactory evidence has been produced to the effect that the pyrotechnics will be used in connection with the conduct of concerts or public exhibitions.



**APPLICATION FOR PERMIT TO DISPLAY PYROTECHNICS
TO THE CITY COUNCIL OF THE CITY OF EDEN**

1. Name, address, and telephone number of the person seeking permit for display of pyrotechnics:
Kenneth Kickman
319 Howe St
Eden NC (336) 613-1222
2. The name of the event at which pyrotechnics is to be displayed:
Kiwias Fourth of July Celebration
3. If the event is to be conducted for, on behalf of, or by an organization, provide the name, address, telephone number of the headquarters of the organization, and of the authorized and responsible head of such organization:
Eden Kiwias
319 Howe St
Eden N.C. 27288
4. The date of the event at which the pyrotechnics is to be displayed:
7-4-21
5. The type of event at which the pyrotechnics will be displayed:
4th Celebration
6. A statement as to whether the event will be held indoors or outdoors:
Outdoors
7. The location of the event at which pyrotechnics will be displayed:
Morehead High School Stadium
8. If the event is to be sponsored by or on behalf of any person other than the applicant, the applicant for such permit shall file with the application a written authorization from the person proposing to hold the parade authorizing the applicant to apply for the permit on his behalf.

9. The applicant shall file with the application any required proof of insurance by Eden City Code.

10. I hereby certify that the forgoing information is true to the best of my knowledge.

[Signature]
Signature of Applicant

6.4-21
Date

STATE OF NORTH CAROLINA
ROCKINGHAM COUNTY

I, Deanna F Hunt, a Notary Public, in and for the aforesaid County and State, do hereby certify that Kenny Kirkman, the above mentioned applicant, personally appeared before me this the 4th day of June, 2021 and subscribed and made oath to the foregoing applicant for a permit to display pyrotechnics in the City of Eden.

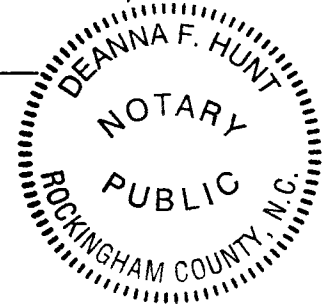
Witness my hand and seal, this the 4th day of June, 2021.

Deanna F. Hunt
Notary Public

Deanna F Hunt
Name of Notary

My Commission expires: 3/18/22

[Signature]
Approved by Fire Marshal
[Signature]
Approved by City Manager



Hale Artificier, Inc.
Fireworks and Pyrotechnics

Fireworks Display Contract

This contract and agreement, for the sale and display of fireworks made and concluded this

18th day of March, year of 2021 A.D., by and between Hale Artificier, Inc. of Lexington, North Carolina, hereinafter referred to as "Hale Artificier" and

Kiwanis of Eden, NC, P.O. Box 381, Eden, NC 27288
hereinafter referred to as "Client".

Witnesseth: For and in consideration of the mutual covenants herein contained and other valuable consideration in hand paid, receipt of which is hereby acknowledged, and of the terms and conditions hereinafter mentioned, the parties of this contract do mutually and severally agree to perform their several and respective covenants and to guarantee terms, conditions and payments of this contract.

1.0 - DISPLAY

1.1 - Hale Artificier agrees to sell, provide and deliver to the Client fireworks, presented in an attached document(s) labeled "Display Package", to be exhibited at the designated site, presented in the attached document(s) labeled "Display Site", which are set forth and agreed upon at the time of the signing of this agreement and incorporated herein.

1.2 - Fireworks are to be provided for display on the event date(s) of: Sunday, July 4, 2021.

In the event of Fire, Strikes, Delay, Flood, Acts of God, or other causes beyond the control of Hale Artificier, which prevents the delivery of said fireworks the parties hereto release each other from any and all performances of the covenants herein contained and from damages resulting from the breach thereof.

1.3 - It being mutually understood and agreed that should inclement weather prevent the presentation of said display on said date(s), a meeting of the parties will be held to discuss the postponement date(s). It is agreed to and understood by the parties hereto that in the event the fireworks have been taken out and set up before the inclement weather and with good weather prevailing, then such exhibition of fireworks must be carried out in the safest possible manner without any deduction from the hereinafter named compensation.

It is agreed that the first possible postponement/Rain Date will be: Monday, July 5, 2021.

1.4 - If, due to the occurrence of a contingency as described above, with the aforementioned date(s) it is in Hale Artificier's reasonable judgement, impossible or impracticable to present the display at the date(s) and time(s) specified, Hale Artificier and Client will confer with a view towards reaching a mutually satisfactory postponement date. In the event that the mutually satisfactory postponement date is beyond the day following the scheduled exhibition and Hale Artificier personnel and equipment are required to return to their original point of origin the Client shall be obligated to pay an additional charge for transportation and travel of materials and personnel to the display site not to exceed fifteen percent (15%) of the Contract price. In the event a mutually satisfactory postponement date cannot be determined, or if once determined, that postponement date must, due to any such contingency, be likewise postponed, then and in such event the Client shall have no obligation to pay the remaining balance of the sum to be paid hereunder, and the deposit previously made by the Client shall be forthwith returned to the Client, LESS any and all reasonable costs and expenses incurred by Hale Artificier in the anticipation of presenting said display, including, but not limited to, costs associated with setup and takedown of equipment, and transportation of materials and Hale Artificier personnel.

2.0 - SAFETY AND SECURITY

2.1 - Hale Artificier agrees to provide for the display, TWO or more Trained Pyrotechnicians as personnel to present the said display. Client agrees to procure and provide a suitable place to display the said fireworks, and secure all applicable Local, State and Federal Permits, licenses, and approvals. Client is also to provide for any and all necessary Law Enforcement, Fire Code Officials, and Fire Prevention Personnel. In the event "Hale Artificier incurs additional costs for securing said permits, licenses, approvals, or has to hire Law Enforcement or Fire Prevention Personnel, the Client will reimburse said costs to Hale Artificier.

2.2 - Client or the Sponsoring Agency shall provide ample Law Enforcement and Fire Prevention and Control for Hale Artificier for the protection of its property and the execution of the fireworks exhibition without the interference from the Public.

2.3 - Client shall provide and set up posted restraining lines pursuant to the instructions supplied by Hale Artificier and in compliance to all rules, order, and regulations or the National Fire Protection Association (NFPA). Inside this perimeter is hereinafter referred to the "Security Zone". Outside this perimeter is hereinafter referred to the "Safety Zone". It is further agreed and understood by the parties hereto that the said minimum spectator viewing, parking, dwellings and fallout area(s) shall be in compliance with the National Fire Protection Association (NFPA) 1123 code for Outdoor Display of Fireworks, as amended. Hale Artificier will not be responsible for, or pay for any property damage or personal injuries that occur from non-compliance of said code and its safety distances. Hale Artificier is not responsible for damages to any public or private property in this area and also any other area where similar damages occur due to wind velocity or changes in wind direction.

2.4 - Client also agrees to provide adequate security personnel and protection to preclude all individuals other than those authorized by Hale Artificier from entering the Security Zone. In the event that Client desires to have designated representatives within the Security Zone, before, during and after said exhibition, appropriate waiver (s) of liability must be executed for each individual.

2.5 - No unauthorized personal property of any kind, including, but not limited to motor vehicles shall be allowed within the Security Zone. Prior to, during and immediately following the display of fireworks, Client shall be solely responsible to secure access and maintain the perimeter of the Security Zone, keeping all unauthorized persons out of the Security Zone.

Client shall hold Hale Artificier harmless and indemnify Hale Artificier from any liability, including claims against Certificate(s) of Insurance or Bond, because of Client's breach of this paragraph.

Hale Artificier, Inc.
Fireworks and Pyrotechnics
Fireworks Display Contract

3.0 - COMPENSATION

- 3.1** - Client agrees to compensate Hale Artificier the sum \$ 10,000.00 (Ten Thousand Dollars) for the said fireworks display(s). Unless otherwise stipulated in this contract, as an addendum, Payment is to be made in two parts, Fifty Percent (50%) of the total sum at the signing of this agreement and the remaining balance of contract within ten (10) days after the completion of the fireworks display. Interest will be charges for any late payment on the contract price at a rate of three and one-half percent (3.5%) per month until final debt has been paid. In the event an attorney is employed to enforce collection of any sums due under this contract, Client agrees to pay all costs and expensed of collections including all attorney's fees incurred by Hale Artificier.
- 3.2** - In the event additional sums are due Hale Artificier as agreed to herein, including, but not limited to reimbursement of expenses, payment is due within thirty (30) days after completion of fireworks display(s)
- 3.3** - All payments shall be made by draft or certified check payable to the order of Hale Artificier, unless otherwise specified and authorized in writing, and NO CASH shall be paid to agents or employees of Hale Artificier without written authority.
- 3.4** - In the event that Client elects to cancel the fireworks display, Client must provide Hale Artificier written notice by registered mail of it's election to cancel not less than 30 days prior to date of fireworks display. Hale Artificier shall retain from the first sections of payment and Client agrees to pay Hale Artificier, a MINIMUM of \$500, or Fifteen percent (15%) of total contract price, whichever is greater, as liquidated damages.
- 3.5** - If, for ANY reason, other than as previously defined in this contract in sections 1.1 through 1.4, Client elects to cancel fireworks display at the "last minute" which will be defined as within 48 hours prior to the named display date and time, then Client is obligated to pay the full compensation price in sections 3.1, irregardless of the cancellation notice designated in section 3.4 above.

4.0 - INDEMNIFICATION

- 4.1** - Client shall indemnify Hale Artificier against any and all liability to any person or persons for, or by reason of, any condition which is the responsibility of the Client in connection with the exhibition, and against any and all liability to any person or persons by any act of omission of Client or any of its agents, servants, or employees.
- 4.2** - Hale Artificier agrees to indemnify Client against any and all liability to any person or persons for, or by reason of, any conditions which is the responsibility of Hale Artificier in connection with the exhibition, and against any and all liability to any person or persons by any act of omission of Hale Artificier or any of its agents, servants or employees.
- 4.3** - Hale Artificier agrees to provide attached documents presenting proof of Liability Insurance obtained for the exhibition in the amount complying with local regulations.
- 4.4** - For displays on properties owned by the State of North Carolina, Hale Artificier, Inc. does indemni=fy and hold harmless the State of North Carolina for the duration of any activities related to this fireworks program.

5.0 - OTHER COVENANTS

- 5.1** - Client agrees to indicate that Hale Artificier is the organization responsible for exhibiting the fireworks on the said date(s) in all advertisements, billings and public relations materials.
- 5.2** - Regardless of place of contracting, performance or otherwise, it is hereby stipulated that this agreement is to be construed and governed by the laws of the State of North Carolina.
- 5.3** - This agreement shall not be notified or rescinded except by written instrument signed by authorizes representative(s) of Client and Hale Artificier.
- 5.4** - This contract shall not be construed to create a partnership between the parties or persons mentioned herein.

6.0 - SPECIAL CONDITIONS

- 6.1** - All displays are to be permitted through the Office of the Local County Fire Marshal, unless as otherwise provided for in the General Statutes of the State of North Carolina.
- 6.2** - The exact location of the fireworks display shall be Grounds at Morehead High School

IN WITNESS WHEREOF, WE SET OUR HANDS AND SEALS TO THIS AGREEMENT IN DUPLICATE THIS _____ DAY OF _____, IN THE YEAR _____.

CLIENT

HALE ARTIFICIER

BY: 

BY: Jeffrey A. Hale

signature

signature

Kenneth W Kirkman Chairman
printed name/title

Jeffrey A. Hale, President
printed name/title

Deanna Hunt
witness

witness

Hale Artificier, Inc.
Fireworks and Pyrotechnics
Fireworks Display Contract

7.0 - ANY ADDENDUMS

Kiwanis Club of Eden
And the City of Eden
Old Time July Fourth Fireworks
\$10,000.00 program

Opening Barrage:

20 - 3" Assorted Color Finale Shells w/Tails
10 - 3" Finale Titanium Salute Shells w/Tails
6 - 4" Assorted Color Finale Shells

Main Program:

160 - 3" Assorted Aerial Shells w/Tails
72 - 4" Assorted Aerial Shells w/Tails
60 - 5" Assorted Aerial Shells w/Tails
40 - 6" Assorted Aerial Shells w/Tails

Grand Finale:

120 - 3" Assorted Color Finale Shells w/Tails
30 - 3" Finale Titanium Salute Shells w/Tails
18 - 4" Assorted Color Finale Shells
5 - 5" Assorted Color Finale Shells



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
04/14/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Mountcastle Insurance P.O. Box 1937 Lexington NC 27293-1937		CONTACT NAME: Betty Callicutt PHONE (A/C, No, Ext): (336) 249-4951 FAX (A/C, No): E-MAIL ADDRESS: bcallicutt@mountcastleinsurance.com	
INSURED Hale Artificier, Inc 545 New Bowers Rd. Lexington NC 27292		INSURER(S) AFFORDING COVERAGE INSURER A: National Fire & Marine INSURER B: RWI - Penn. Natl Mutual Cas Ins Co. INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** CL214106006 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:	Y	72LPS039510	04/28/2021	04/28/2022	EACH OCCURRENCE \$ 2,000,000
	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Electronic Data Liability \$ 100,000 COMBINED SINGLE LIMIT (Ea accident) \$ 5,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Uninsured motorist BI \$ 30,000
B	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$		AU9 0607811	09/23/2020	09/23/2021	EACH OCCURRENCE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N N/A					AGGREGATE \$ PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$


DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Date: July 4, 2021
Rain Date: July 5, 2021 OR TBD

City of Eden, Rockingham County, Rockingham County Schools, and Kiwanis International are included as additional insureds with regards to General Liability.

CERTIFICATE HOLDER

CANCELLATION

Kiwanis of Eden, NC P O Box 381 Eden NC 27288	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
04/14/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

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PRODUCER Mountcastle Insurance 307 W Center St Lexington, NC 27293 (336)249-4951	CONTACT NAME: PHONE (A/C, No, Ext): (877)234-4420 FAX (A/C, No): (877)234-4421 E-MAIL ADDRESS: PRODUCER CUSTOMER ID #	
	INSURER(S) AFFORDING COVERAGE NAIC # INSURER A: Continental Indemnity Co. 28258 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
INSURED Hale Artificier, Inc. 545 New Bowers Rd Lexington, NC 27292-7058 CTL 1273 1656816		

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COM/OP AGG \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N/A (Mandatory in NH) If yes, describe under SPECIAL PROVISIONS below		46-879245-01-08	12/01/2020	12/01/2021	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

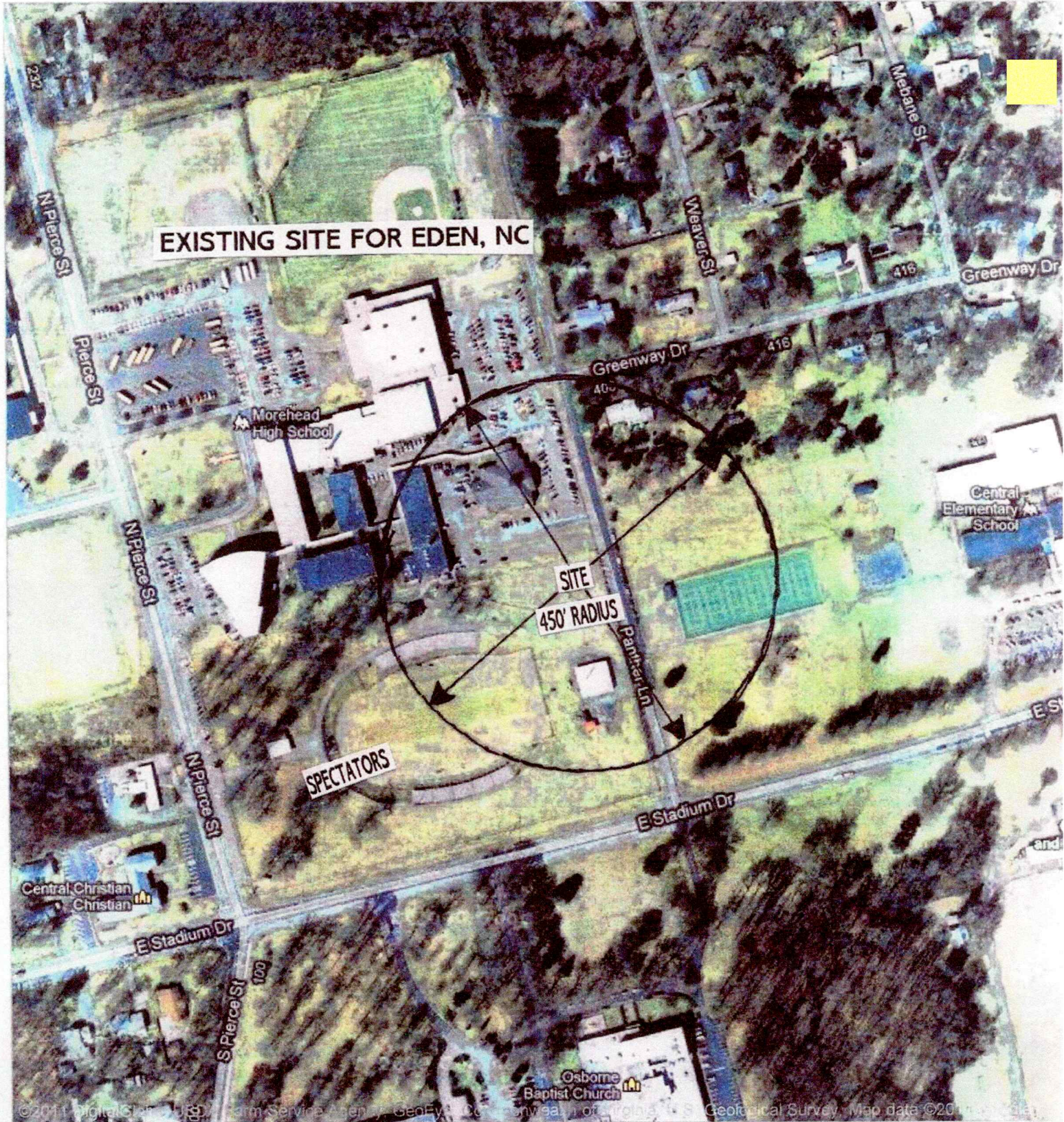
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach Acord 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER**CANCELLATION**
 Kiwanis of Eden, NC
 P O Box 381
 Eden, NC 27288

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

1000002116



Kiwanis Club of Eden
And the City of Eden
Old Time July Fourth Fireworks
\$10,000.00 program

Opening Barrage:

20 - 3" Assorted Color Finale Shells w/Tails
10 - 3" Finale Titanium Salute Shells w/Tails
6 - 4" Assorted Color Finale Shells

Main Program:

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30 - 3" Finale Titanium Salute Shells w/Tails
18 - 4" Assorted Color Finale Shells
5 - 5" Assorted Color Finale Shells

Current Pyrotechnic License Holders

Select License Type of Interest

License Type	License Level
Pyrotechnic 1.3G	* Operator
Pyrotechnic 1.4G	Assistant
Proximate Audience	

Get List

Get License Holder Information

Pyrotechnic License Number **Driver's License Number**

1968

Search for License

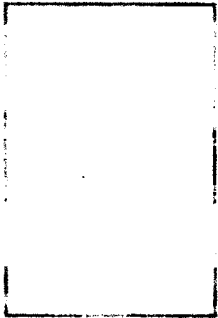
Holder's Full Name: Ryan Keith Murphy

Business Name: Hale Artificer Inc

Government ID By: North Carolina

Government ID Type: Driver License

ID Number: *****7786



License Number: 1968

License Type: 1.3G Pyrotechnic

License Level: Operator

License Status: Valid

Expiration Date: 07/31/2021

Get a list of license holders by Last Name or Business/Employer

Last Name

Business/Employer

Search for List



Denton, Renita B
RE: [External] Question for you
March 23, 2021 at 9:00 AM
jeff hale

****Notice:** Due to the Covid 19 Pandemic, all current licensees whose license would expire between March 2020 and July 2021 were extended until July 31, 2021.

Code officials use the below link to verify the status of license holders. We recommend that you also verify that your license was extended and if not you need to contact us before any shows are held so that we can determine eligibility and correct if needed.

<https://www.ncosfm.gov/licensing-cert/pyrotechnics/pyrotechnic-code-officials-and-license-look>

Thanks

Renita Denton
Pyrotechnic License Administrator
Administrative Specialist II (Engineering Division)

N.C. Department of Insurance
Office of State Fire Marshal
325 N Salisbury Street
Raleigh, NC 27603
919.647.0005 /919.805.8540(cell)

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Federal Explosives License/Permit
(18 U.S.C. Chapter 40)

In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.53.** See "WARNINGS" and "NOTICES" on reverse.

Direct ATF
Correspondence To ATF - Chief, FELC
244 Neady Road
Martinsburg, WV 25405-9431

License/Permit Number
1-NC-057-51-1J-00088

Chief, Federal Explosives Licensing Center (FELC)

Christopher R. Reers

Expiration Date
September 1, 2021

Name
HALE ARTIFICIER INC

Premises Address (Changes? Notify the FELC at least 10 days before the move.)
345 DAISY COURT
LEXINGTON, NC 27292-

Type of License or Permit
51-IMPORTER OF EXPLOSIVES

Purchasing Certification Statement

The licensee or permittee named above shall use a copy of this license or permit to assist a transferor of explosives to verify the identity and the licensed status of the licensee or permittee as provided by 27 CFR Part 555. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license or permit with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Explosives Licensee (FEL) or a responsible person of the FEL. I certify that this is a true copy of a license or permit issued to the licensee or permittee named above to engage in the business or operations specified above under "Type of License or Permit."

Mailing Address (Changes? Notify the FELC of any changes.)
HALE ARTIFICIER INC
545 NEW BOWERS RD
LEXINGTON, NC 27292-

Licensee/Permittee Responsible Person Signature

Jeff Hove

Printed Name

Position/Title

President

Date

9-17-14

HALE ARTIFICIER, INC.

Safety Procedures for Fireworks Displays

NFPA 1123 Codes are to be followed at all times.

1. Firing Procedure:

- A. Operators are to use the Pre-display checklist provided in the display paperwork. **AT NO TIME** are the materials to be left unattended.
- B. Upon arrival at the site, check site conditions for any hazards that may impede the safety of the display operation.
- C. Insure the site meets all distance requirements.
- D. Confirm that there is adequate ingress and egress for emergency vehicles.
- E. Inspect all racks and equipment as it is coming off the truck. Any equipment that is damaged, or broken is not to be used in the display.
- F. All mortar racks are to be set up and installed prior to any loading of live materials.
- G. Inspect all shells and fireworks devices such as cakes, candles, and ground effects prior to loading, or placing in the firing area. Any materials found to be damaged, or not in proper condition are not to be used in the display.
- H. All materials fuses are to be situated and secured for easy access and removal of safety caps just prior to firing.
- I. (Electric firing) Any e-matching of materials will take place at least 50 feet from the truck holding the fireworks, and at least 100 feet from any public access. Limit the amount of materials in this area to just **ONE** box at a time.
- J. (Electric firing) Once all materials are set up, no personnel are allowed within the firing area during the continuity testing. If there is a need to check contact points, or adjust materials, the firing control panel must be disabled completely before an operator enters the firing area.
- K. (Manual Firing) Operators will use fusees (flares) for ignition of shell leaders.
- L. Previously installed multiple ignition points are to be placed along Finale racks, or any chain fused sections of the display.

545 NEW BOWERS ROAD, LEXINGTON, NC 27292

WWW.HALEARTFIREWORKS.COM

HALE ARTIFICIER, INC.

2. Termination and Emergency Procedures

A. If, at any time before, or during the discharge of a Display, there arises a condition that adversely affects the firing or completion of the Display, the operator will IMMEDIATELY halt the display, until such a time that the condition can either be corrected, or deleted from the program.

1. The AHJ will also have the authority to halt the display, should any such condition arise.

2. Communication between the Operator and the AHJ will be necessary to provide for the continuation of the display.

B. If there is a weather related concern, the display is to be halted, or postponed, until better conditions prevail. If there is no alternative, or if conditions remain at an unsafe level, then the Operator is to cancel the display, and the Rain Date option will be considered.

1. All mortar racks are to be covered with tarps, plastic or other suitable materials to prevent materials from getting wet. Cakes, and other ground effects can be placed in plastic bags.

2. Any materials that do become wet shall not be used, and are to be placed into regulation cartons and returned to Hale Artificier, Inc.

C. If, during the display, an errant shell or malfunction of equipment causes materials to be sent towards or into the spectator area, or out of the intended fallout area, the operator will IMMEDIATELY halt the display.

1. The safety of the spectators is the primary concern, and the operator is to insure that any errant shell trajectories or malfunctions are dealt with as soon as it is safe to do so. Repositioning of the racks, or dropping that part of the display will be done before resuming any firing.

2. A situation of this nature could cause the rest of the display to be postponed, or cancelled with the communication and cooperation of the AHJ.

3. Identification of the errant materials and/or equipment is to be documented in the Operators display report.

4. If there is ANY injury of any nature, to a spectator, or any other person, the display is to be halted, and the assistance of the local EMS, Fire Department, and/or other fire and life safety personnel on duty at the time is to be utilized.

HALE ARTIFICIER, INC.

D. Ingress and Egress routes are to to be maintained at all times, and are to remain clear for emergency vehicles and personnel.

1. Should there be any reason to need such access, the Operator shall halt all firing, and suspend the display.

2. The Operator and other display personnel may assist such emergency personnel to control and contain any condition to insure the safety and security of the site.

3. Post Display

A. Once the display has been completed, the Operator will make the determination to break down the display equipment when he/she finds all conditions safe to do so.

1. The operator and assistants should allow at least 15 minutes for a “cool-down” period, once the display is completed.

a. Beginning with the mortars that were fired first, make sure that all shells and materials were discharged.

b. Once all racks and equipment have been cleared, the Operator will approve the break down of the display.

2. Misfired Materials

a. Identify any and all misfired materials.

b. Insure that there are no ignition hazards present before handling. All sparks are to be extinguished. E-matches should be disconnected and shunted, and then may be carefully removed.

c. Carefully remove materials from the discharge area.

d. Place materials into a regulation carton, and transport back to Hale Artificier, Inc.

e. Record misfires in the Operator’s display report.

3. Dud Shells

a. Identify any and all dud shells and their location.

b. No unauthorized personnel are to be allowed in those areas.

c. Insure that there are no ignition hazards before handling. If necessary, spray with water to extinguish any sparks or flame.

HALE ARTIFICIER, INC.

- d. Carefully remove dud shells, place into a regulation carton and transport back to Hale Artificier, Inc.
 - e. Record duds in the Operator's display report.
-
- B. The operator will assist the AHJ in conducting the post-display inspection, and sign off on any documentation the AHJ may require.
 - C. Once that inspection is completed, the operator may clear the on-duty Fire Department personnel.
 - D. The entire discharge area and fallout zones are to be inspected to insure that there are no duds, misfires, or any other materials left on the display site. If necessary, a site check is to be made early the following morning.
 - E. Clean up includes removal of all equipment, paper debris, and any other items that remain as a result of the display.



To: Honorable Mayor and City Council

Thru: Jon Mendenhall, City Manager

From: Amy P. Winn, CPA
Assistant Director of Finance

Date: June 15, 2021

Re: Budget Amendment # 12

The attached budget amendment allocates grant proceeds received from the NC Division of Water Infrastructure for the sewer line repair at the Smith River railroad trestle due to flooding.



MEMORANDUM

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Amy P. Winn
Assistant Director of Finance
Date: June 15, 2021
Subject: Budget Amendment # 12

	Account #	From	To	Amount
Water & Sewer Fund				
Revenues				
SAP Grant - Sewer Line/Smith River RR	30-3831-56000	\$ -	\$ 310,000.00	<u>\$ 310,000.00</u>
Water & Sewer Fund				
Expenditures				
Spray Outfall - Pipe Replacement	30-8130-31000	\$ -	\$ 310,000.00	<u>\$ 310,000.00</u>

Appropriates grant proceeds received from NC Division of Water Infrastructure.

Adopted and effective this 15th day of June, 2021.

Attest:

Deanna Hunt, City Clerk

Neville Hall, Mayor

ROY COOPER

Governor

DIONNE DELLI-GATTI

Secretary

JON RISGAARD

Acting Director



NORTH CAROLINA
Environmental Quality

May 11, 2021

Mr. Jon Mendenhall, City Manager
City of Eden
PO Box 70
Eden, North Carolina 27289

SUBJECT: Approval of Grant Payment No.1Final
State Project No. E-SAP-W-0037
Sewer Repair at Smith River RR

Dear Mr. Mendenhall:

This will acknowledge receipt of your request for final payment of grant funds for subject project. The grant amount was \$310,000. Prior to this final payment, the total payment to date were zero leaving an available balance of \$310,000.

In accordance with the rules governing the Special Appropriated Project Fund within the NC Division of Water Infrastructure, a final payment in the amount of \$310,000 has been approved, leaving a zero balance for subject project.

The disbursement will be processed by the North Carolina Department of Environmental Quality. In the event the disbursement is not received within three weeks, please contact Ms. Jackie J. Moore at (919) 707-9167.

Sincerely,

A handwritten signature in cursive script that reads "Jon Risgaard".

Jon Risgaard, Acting Director
Division of Water Infrastructure, NCDEQ

cc: Amy Winn, City of Eden Finance
Jennifer House
Jackie J. Moore
SAP DEQ-10



North Carolina Department of Environmental Quality | Division of Water Infrastructure
512 N. Salisbury Street | 1633 Mail Service Center | Raleigh, North Carolina 27699-1633
919.707.9160



To: Honorable Mayor and City Council

Thru: Jon Mendenhall, City Manager

From: Amy P. Winn, CPA
Assistant Director of Finance

Date: June 15, 2021

Re: Budget Amendment # 13

The attached budget amendment appropriates funds to cover the expenditures for an entrance sign and benches for Grogan Park. There were donations received in FY 20-21 and the remaining amount will come for Fund Balance – Reserved for Grogan Park. The Fund Balance – Reserved for Grogan Park are funds remaining from the donations received when constructing the park that have been carried over from year to year. These expenditures will deplete this fund balance reserve and there will be no funds carried over as of June 30, 2021.



MEMORANDUM

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Amy P. Winn
Assistant Director of Finance
Date: June 15, 2021
Subject: Budget Amendment # 13

	Account #	From	To	Amount
General Fund Revenues				
Grogan Park Donations	10-3350-00900	\$ -	\$ 2,500.00	\$ 2,500.00
Fund Balance Appropriated - Grogan Park	10-3991-99500	\$ -	\$ 5,280.00	\$ 5,280.00
				<u>\$ 7,780.00</u>
General Fund Expenditures				
Grogan Park	10-9920-70000	\$ -	\$ 7,780.00	<u>\$ 7,780.00</u>

Appropriates Grogan Park fund balance and donations for Grogan Park expenditures.

Adopted and effective this 15th day of June, 2021.

Attest:

Deanna Hunt, City Clerk

Neville Hall, Mayor



To: Honorable Mayor and City Council

Thru: Jon Mendenhall, City Manager

From: Amy P. Winn, CPA
Assistant Director of Finance

Date: June 15, 2021

Re: Budget Amendment # 14

The attached budget amendment allocates grant proceeds from K B Reynolds Charity Trust for the Get Fit Rockingham Program and increases the Get Fit expenditure line item in General Fund Special Appropriations. This is grant money remaining from FY 2019-2020.



MEMORANDUM

To: Honorable Mayor and City Council
Thru: Jon Mendenhall
From: Amy P. Winn
Assistant Director of Finance
Date: June 15, 2021
Subject: Budget Amendment # 14

	Account #	From	To	Amount
General Fund Revenues				
Get Fit Rockingham - Grant	10-3612-86600	\$ -	\$ 8,000.00	<u>\$ 8,000.00</u>
General Fund Expenditures				
Get Fit Rockingham	10-9920-69983	\$ -	\$ 8,000.00	<u>\$ 8,000.00</u>

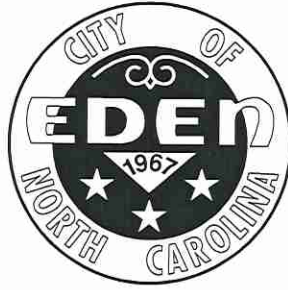
Appropriates grant funds received for the Get Fit Rockingham program for FY 2019-2020.

Adopted and effective this 15th day of June, 2021.

Attest:

Deanna Hunt, City Clerk

Neville Hall, Mayor



To: Honorable Mayor and City Council

Thru: Jon Mendenhall, City Manager

From: Amy P. Winn, CPA
Assistant Director of Finance

Date: June 15, 2021

Re: Budget Amendment # 15

The attached budget amendment allocates proceeds from a Governor's Crime Commission grant. The grant is for the purchase of backup radios and active shooter response kit for the Police Department. This amendment increases the Police Grant and Police Department Supplies line items.



MEMORANDUM

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Amy P. Winn
Assistant Director of Finance
Date: June 15, 2021
Subject: Budget Amendment # 15

	Account #	From	To	Amount
General Fund Revenues				
Police Grant - Governor's Crime Comm	10-3431-72000	\$ -	\$ 47,800.00	<u>\$ 47,800.00</u>
General Fund Expenditures				
Police C/O Equipment - Depreciable	10-4310-57000	\$ 36,400.00	\$ 84,200.00	<u>\$ 47,800.00</u>

Appropriates NC Governor's Crime Commission grant funds for the purchase of backup radios and active shooter response kit.

Adopted and effective this 15th day of June, 2021.

Attest:

Deanna Hunt, City Clerk

Neville Hall, Mayor



To: Honorable Mayor and City Council

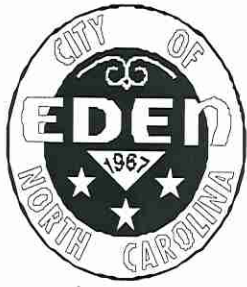
Thru: Jon Mendenhall, City Manager

From: Amy P. Winn, CPA
Assistant Director of Finance

Date: June 15, 2021

Re: Budget Amendment # 16

In May 2017, the city purchased vending machines for Public Works and City Hall and they have been operated and maintained by our Facilities and Grounds department. In FY 2020-2021, the vending machines at Public Works are now being maintained by our Fleet Maintenance department. Line items have been created to account for the proceeds and expenditures related to the vending machines. These line items will be the same amount; therefore, there is no cost to the City. The attached amendment allocates funds for the proceeds received from these machines and the expenditures to stock them.



MEMORANDUM

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Amy P. Winn
Assistant Director of Finance
Date: June 15, 2021
Subject: Budget Amendment # 16

	Account #	From	To	Amount
General Fund Revenues				
Vending Proceeds - Public Works	10-3412-43100	\$ -	\$ 5,500.00	<u>\$ 5,500.00</u>
General Fund Expenditures				
Vending Supplies - Public Works	10-6920-29300	\$ -	\$ 5,500.00	<u>\$ 5,500.00</u>

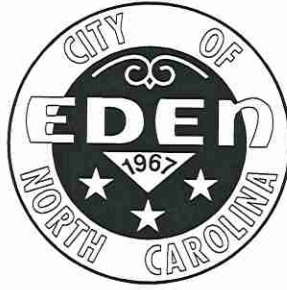
Appropriates funds received and expended for vending machines.

Adopted and effective this 15th day of June, 2021.

Attest:

Deanna Hunt, City Clerk

Neville Hall, Mayor



To: Honorable Mayor and City Council

Thru: Jon Mendenhall, City Manager

From: Amy P. Winn, CPA
Assistant Director of Finance

Date: June 15, 2021

Re: Budget Amendment # 17

The Senior Center received a Home and Community Block Grant for Older Adults (HCCBG) and a Senior Center Technology Training grant from the Piedmont Triad Regional Council Area Agency on Aging. The HCCBG grant is for staff, program costs, equipment, and supplies for the Senior Center. The Technology Training grant is for the purchase of computer tablets and training classes for the Senior Center. This amendment increases the Recreation grant line items and the Senior Citizen line item in the Recreation budget.



MEMORANDUM

To: Honorable Mayor and City Council
Thru: Jon Mendenhall
From: Amy P. Winn
Assistant Director of Finance
Date: June 15, 2021
Subject: Budget Amendment # 17

	Account #	From	To	Amount
General Fund Revenues				
HCCBG Grant - Senior Center	10-3612-48410	\$ -	\$ 15,000.00	\$ 15,000.00
Senior Center Tech Training Grant	10-3612-48430	\$ -	\$ 12,300.00	\$ 12,300.00
				<u>\$ 27,300.00</u>
General Fund Expenditures				
Recreation Senior Citizens	10-6120-29700	\$ 17,000.00	\$ 44,300.00	<u>\$ 27,300.00</u>

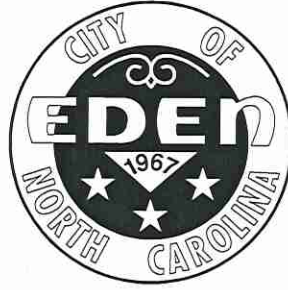
Appropriates grant funds received for the HCCBG and Senior Center Technical Training grants.

Adopted and effective this 15th day of June, 2021.

Attest:

Deanna Hunt, City Clerk

Neville Hall, Mayor



To: Honorable Mayor and City Council

Thru: Jon Mendenhall, City Manager

From: Amy P. Winn, CPA
Assistant Director of Finance

Date: June 15, 2021

Re: Budget Amendment # 18

The attached budget amendment allocates insurance proceeds received for a police car totaled due to fire damage. This vehicle has been replaced and expensed from the Police C/O Vehicles line item.



MEMORANDUM

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Amy P. Winn
Assistant Director of Finance
Date: June 15, 2021
Subject: Budget Amendment # 18

	Account #	From	To	Amount
General Fund Revenues				
Insurance Proceeds	10-3850-85000	\$ 22,000.00	\$ 36,800.00	<u>\$ 14,800.00</u>
General Fund Expenditures				
Police C/O Vehicles	10-4310-55000	\$ 375,200.00	\$ 390,000.00	<u>\$ 14,800.00</u>

Appropriates insurance proceeds received for a police car that was totaled due to fire damage.

Adopted and effective this 15th day of June, 2021.

Attest:

Deanna Hunt, City Clerk

Neville Hall, Mayor



To: Honorable Mayor and City Council

Thru: Jon Mendenhall, City Manager

From: Amy P. Winn, CPA
Assistant Director of Finance

Date: June 15, 2021

Re: Budget Amendment # 19

This budget amendment increases the General Fund Police Security revenue line item and increases the Police Department's Police Security expenditure line item to reflect the additional revenue received from police security charges.



MEMORANDUM

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Amy P. Winn
Assistant Director of Finance
Date: June 15, 2021
Subject: Budget Amendment # 19

	Account #	From	To	Amount
General Fund Revenues				
Police Security	10-3431-41100	\$ 40,000.00	\$ 50,000.00	<u>\$ 10,000.00</u>
General Fund Expenditures				
Police Security	10-4310-12500	\$ 40,000.00	\$ 50,000.00	<u>\$ 10,000.00</u>

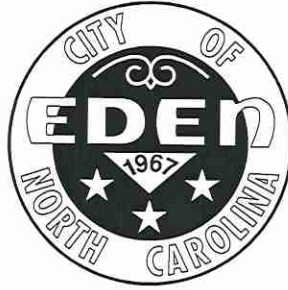
Appropriates additional revenue generated by police security.

Adopted and effective this 15th day of June, 2021.

Attest:

Deanna Hunt, City Clerk

Neville Hall, Mayor



To: Honorable Mayor and City Council

Thru: Jon Mendenhall, City Manager

From: Amy P. Winn, CPA
Assistant Director of Finance

Date: June 15, 2021

Re: Budget Amendment # 20

When the City purchases vehicles with installment purchases, it is required to show the loan proceeds as revenue and the payment to the vendor as an expenditure in the financial statements. The attached amendment increases the General Fund revenue line item "loan proceeds" and also increases the Fire Department Capital Outlay – Vehicles line item for the purchase of a ladder truck and pumper truck.



MEMORANDUM

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Amy P. Winn
Assistant Director of Finance
Date: June 15, 2021
Subject: Budget Amendment # 20

	Account #	From	To	Amount
General Fund Revenues				
Loan Proceeds	10-3850-86000	\$ 1,063,400.00	\$ 2,417,400.00	<u>\$ 1,354,000.00</u>
General Fund Expenditures				
Fire C/O Vehicles	10-4340-55000	\$ -	\$ 1,354,000.00	<u>\$ 1,354,000.00</u>

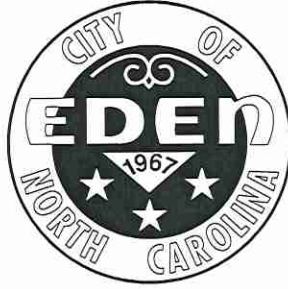
Appropriates loan proceeds for the purchase a ladder truck and pumper truck for the Fire Department.

Adopted and effective this 15th day of June, 2021.

Attest:

Deanna Hunt, City Clerk

Neville Hall, Mayor



To: Honorable Mayor and City Council

Thru: Jon Mendenhall, City Manager

From: Amy P. Winn, CPA
Assistant Director of Finance

Date: June 15, 2021

Re: Budget Amendment # 21

Attached is a resolution for council to approve to accept the American Rescue Plan Act (ARPA) funds from U.S. Treasury and distributed by the State of North Carolina. The attached budget amendment allocates these funds into a special revenue fund.

**RESOLUTION
FOR RECEIVING FEDERAL FUNDS
UNDER THE AMERICAN RESCUE PLAN ACT (ARPA)**

WHEREAS, the State of North Carolina will be appropriating funding from the federal American Rescue Plan Act (ARPA) to fund necessary Coronavirus State and Local Fiscal Recovery Funds; and

WHEREAS, the North Carolina General Assembly will provide for the distribution of funds to eligible municipal corporations, and townships; and

WHEREAS, before receiving a payment, a subdivision is required to adopt a resolution affirming that the subdivision will spend funding only on federal guidance related expenses as required under the ARP Act; and

WHEREAS, revenue received under the ARP Act will be kept in a separate fund and will not be co-mingled with other revenue; and

WHEREAS, the City of Eden will provide to the State of North Carolina and the US Treasury any unspent balance of the funds received; and

NOW, THEREFORE, BE IT RESOLVED, by the Eden City Council that we do hereby request ARP ACT funding to be distributed by the State of North Carolina and by adopting this resolution affirm that the revenue will only be used for the purposes prescribed in the ARP Act guidance as described in 31 CFR, Part 35, and any applicable regulations, for necessary expenditures incurred due to the public health emergency connected with the COVID-19 pandemic , budget and certify such to the State Director of Office of Budget and Management and the City of Eden Finance Officer; and

BE IT FURTHER RESOLVED that the City of Eden will comply with the procedure created by the North Carolina General Assembly and the US Treasury Department to receive funds under the act.

Adopted the _____ day of _____, 2021.

Neville Hall, Mayor

Deanna Hunt, City Clerk



MEMORANDUM

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Amy P. Winn
Assistant Director of Finance
Date: June 15, 2021
Subject: Budget Amendment # 21

	Account #	From	To	Amount
ARPA Fund Revenues				
American Rescue Plan Act Proceeds	11-3831-10000	\$ -	\$ 4,360,000.00	<u>\$ 4,360,000.00</u>
ARPA Fund Expenditures				
American Resuce Plan Act Allowable Expenditures	11-5530-50000	\$ -	\$ 4,360,000.00	<u>\$ 4,360,000.00</u>

Appropriates proceeds received from the American Rescue Plan Act.

Adopted and effective this 15th day of June, 2021.

Attest:

Deanna Hunt, City Clerk

Neville Hall, Mayor



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 and
Randy Hunt, Community and Economic Development Specialist
Subject: **The Boulevard Municipal Service District (MSD)**
Date: June 4, 2021

A public hearing for the establishment of a Municipal Service District in The Boulevard commercial area was held at the May 18, 2021, regular meeting of the City Council meeting.

It should be noted that there is no direct financial benefit for the City of Eden from the Municipal Service District tax. This tax is to be collected from downtown property owners for the benefit of downtown property owners. **The revenue does not become part of the city's general fund and no funds are withdrawn from the account unless approved by The Boulevard MSD Board. The City of Eden annual auditors verify every expenditure has an accompanying set of minutes authorizing it.**

If the Eden City Council approves of the MSD funding, the collection of the tax will begin in the next fiscal year.

A second vote is required at the June 15, 2021 City Council meeting, as required by NC statutes.

Please contact me if you have any questions about this issue.

**AN ORDINANCE DEFINING THE BOULEVARD MUNICIPAL SERVICE DISTRICT
PURSUANT TO NCGS 160A-537**

ARTICLE 1. Purpose and Authority.

WHEREAS, Chapter 160A, Article 23 of the North Carolina General Statutes authorizes cities within North Carolina to define service districts to finance, provide or maintain for such districts one or more services, facilities, or functions in addition to or to greater extent than those financed, provided or maintained for the entire City; and

WHEREAS, said statutes further provide that the City may define a service district for the purpose of downtown revitalization projects; and

WHEREAS, acting in response to a need for action due to long term economic stagnation and the prevention of future deterioration of the commercial buildings and property, the City is committed to downtown revitalization projects to energize the commercial area and protect the tax and economic base. The City Council for the City of Eden has determined that the creation of this Municipal Service District will be for the benefit of those properties located within the service district boundaries which are in need of such services to a demonstrably greater extent than the remainder of the City; and

WHEREAS, the City Council for the City of Eden further finds that the proposed district is in need of projects and programs to the standards of NCGS 160A-537(a) to a demonstrably greater extent than the remainder of the City to meet the needs and goals set forth above, to wit, downtown revitalization projects for:

- Street lighting, streets and sidewalks
- Pedestrian walkways
- Parking facilities
- Promotion and developmental activities
 - Sponsoring festivals and markets in the downtown area
 - Promoting business investment in the downtown area
 - Helping to coordinate public and private actions in the downtown area, and
 - Developing and issuing publications on the downtown area designed to improve the economic well-being of the downtown area and further the public health, safety, welfare, and convenience; and

WHEREAS, a map of the proposed district showing its boundaries, a copy of which is attached hereto and incorporated by reference, a statement showing that the proposed district meets the standards set out in NCGS 160A-357(a), and a plan for providing in the district one or more of the services listed in NCGS 160A-536 has been created; all of which has been incorporated into a report which has been available for public inspection in the office for the City Clerk for four (4) weeks prior to the public hearing on the matter of the establishment of the service district; and

WHEREAS, The City of Eden caused a notice of such public hearing to be duly published in the Rockingham Now, a newspaper having general circulation in the City of Eden and Rockingham County, said hearing having been conducted on May 18, 2021, and the City of Clerk certified to the City Council that the required mailing of notice of the hearing was completed, all in conformity to NCGS 160A-537(c); and

WHEREAS, the City further finds that in accordance with the findings above, it is in the interest of and not contrary to the public's health, safety, morals and general welfare for the City to adopt this ordinance.

ARTICLE II. Ordinance.

NOW, THEREFORE, be it ordained by the City of Eden City Council that:

Section 1. The City of Eden has fully complied with Chapter 160A, Article 23 of the North Carolina General Statutes and determines and finds same as a fact.

Section 2. The Boulevard Municipal Service District for downtown revitalization is hereby defined and established in accordance with the attached map showing the boundaries.

Section 3. The City of Eden may levy property taxes within the Boulevard Municipal Service District in addition to those through the City in order to finance, provide or maintain for the district, services provided therein, in addition to or to a greater extent than those finances, provided or maintained for the entire City.

Section 4. This ordinance shall take effect at the beginning of fiscal year for 2021-2022 on July 1, 2021.

ARTICLE III. Severability.

All City ordinances or parts in conflict with this ordinance are hereby repealed. Should a court of competent jurisdiction declare this ordinance or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance nor the City Code of the City of Eden, North Carolina which shall remain in full force and effect.

ADOPTED this the 15th day of June, 2021, by the Eden City Council.

CITY OF EDEN

BY: _____
Neville Hall, Mayor

ATTEST:

Deanna Hunt, City Clerk

Date of First Vote: May 18, 2021

Date of Second Vote: June 15, 2021