

**EDEN CITY COUNCIL
REGULAR MEETING AGENDA
November 15, 2022 at 6 p.m.
Council Chambers**

Join the meeting via Zoom here: <https://us06web.zoom.us/j/97958306765?pwd=UGRTQ2t3VjgwaUNFSUZldFBNTkNFUT09>
passcode: Council21 or by calling 877-853-5257 webinar ID: 979 5830 6765; passcode: 224372140

1. Meeting called to order by: Neville Hall, Mayor
2. Invocation: Pastor Joshua Patterson, Charity Baptist Church
3. Pledge of Allegiance: Led by Chris White, Fire Chief
4. Proclamations and Recognitions:
 - a. Proclamation: First Presbyterian Church for 80th year anniversary
5. Roll Call
6. Set Meeting Agenda
7. Public Hearings:
 - a. (1) Consideration of a zoning map amendment request and adoption of an ordinance to rezone approximately 89 acres off South Edgewood Road from Residential 20 to Residential Mixed Use. Zoning Case Z-22-07. **Kelly Stultz, Planning & Community Development Director**

(2) Consideration to adopt a resolution of a statement of consistency regarding the proposed map amendment. **Kelly Stultz, Planning & Community Development Director**
8. Requests and Petitions of Citizens
9. Unfinished Business:
 - a. Consideration of appointments to Boards and Commissions. **Kelly Stultz, Planning & Community Development Director**
10. New Business:
 - a. Consideration to authorize legal action for a zoning violation at 809 Spring Street. **Kelly Stultz, Planning & Community Development Director**
11. Reports from Staff:
 - a. City Manager's Report. **Jon Mendenhall, City Manager**
 - b. Report on advisory committee proceedings:
 - (1) Planning Organization Boards. **Staff Advisor Kelly Stultz**
 - (2) Parks Commission. **Staff Advisor Terry Vernon**
 - c. Curbside recycling update. **Paul Dishmon, Public Works Director**
12. Consent Agenda:
 - a. Approval and adoption of the (1) October 17, 2022 and (2) October 18, 2022 Council meeting minutes. **Deanna Hunt, City Clerk**
 - b. Adoption of an order of collection for nuisance abatement fees to be collected as delinquent property taxes. **Kelly Stultz, Planning & Community Development Director**
 - c. Approval to confirm the amount of indebtedness of demolition costs to be collected in the same manner as special assessments. **Kelly Stultz, Planning & Community Development Director**

- d. Adoption of a Capital Project Ordinance for the Wastewater Treatment Plant north basin project.
Melinda Ward, Utilities Manager

13. Announcements:

- a. Report on external committees by Council liaisons
- b. General comments

14. Adjournment



PROCLAMATION
First Presbyterian Church's 80th Anniversary

WHEREAS, in 1832, the Leaksville Presbyterian Church began with six charter members, followed by a new Leaksville Presbyterian Church in 1860 with eight charter members who met in the Leaksville Male Academy on Henry Street before erecting a church at the corner of Moncure and Monroe Streets in 1880; and,

WHEREAS, from the Leaksville Church, the Spray Presbyterian Church was organized in 1912 with 36 charter members. The Spray church was built at the corner of Boulevard and Hollingsworth Streets. The old Leaksville Church and the Spray Church were so close geographically that, in time, it became necessary to combine them leading to the First Presbyterian Church being organized March 29, 1942; and,

WHEREAS, Rev. John C. Whitley was called to be the first pastor of the merged church with a new church building constructed on Bridge Street. The first service in the completed sanctuary was held on October 31, 1948. After 57 years, more space was needed for the growing church and the current space was deteriorating. In 2005, the congregation moved to a new facility on Southwood Drive.

WHEREAS, through their 80 years, nine pastors have led the church: Reverends Whitley, Wells, Piephoff, Click, Johnston, Long, Williams, Smith and currently Dr. Eric Bartel, who is serving as a transitional pastor of the 140 members; and,

WHEREAS, on this commemoration of its 80th anniversary, we recognize that First Presbyterian Church remains as committed today as it was in 1942 to continue nurturing the faith of its members and to share the gospel message to our community; and as we celebrate this milestone, we pause and give thanks, honor and praise for the deep and abiding Christian commitment of those who in faith began this work and for all those who have given so unselfishly during these many years to see that the work of the church continues to grow and thrive.

NOW THEREFORE, I, Neville Hall, Mayor of the City of Eden, along with the Eden City Council, congratulate the ministry and congregation of

First Presbyterian Church on their 80th year Anniversary

and wish them the best as they continue to grow and prosper in service to God.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Eden to be affixed this 15th day of October of the year of our Lord two thousand twenty-two.

Neville Hall, Mayor

Attest:

Deanna Hunt, City Clerk



Planning and Inspections Department

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

MEMO

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Kelly K. Stultz, AICP, Director
Subject: **Zoning Case Z-22-07 – Approx. 89 acres off S. Edgewood Road**
Date: November 4, 2022

The City has received a zoning map amendment request filed by Kenan Wright, Agent for the property owners, Homer E. Wright, Jr., MG Holding, LLC and Meadow Greens Place LLC to rezone approximately 89 acres off of S. Edgewood Road. The request is to rezone the property from Residential-20 to Residential Mixed Use.

The Planning and Community Development Department recommends approval of the map amendment request. At a regular meeting in October, the Planning Board voted to recommend that the City Council approve this request.

CERTIFICATE SHOWING THAT NOTICES WERE MAILED TO THE OWNER(S) OF PROPERTY SUBJECT TO REZONING AND TO OWNER(S) OF ALL PARCELS OF LAND ABUTTING SUBJECT PROPERTY AND/OR WITHIN 100 FEET OF SUBJECT PROPERTY.

RE: ZONING CASE Z-22-07
Approx. 89 acres off S. Edgewood Road

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF EDEN:

I, Kelly K. Stultz, Planning & Community Development Director of the City of Eden North Carolina, do hereby certify that notices of the proposed zoning map amendment requested by Kenan Wright, Agent for the property owners, Homer E. Wright, Jr., MG Holding, LLC and Meadow Greens Place LLC, Inc. to rezone approximately 89 acres off S. Edgewood Road from Residential-20 to Residential Mixed Use were mailed first-class mail to the owners of the property in the proposed rezoning and all property owners adjacent to or within 100 feet of the subject area on the 4th day November, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand this the 4th day of November, 2022.



Kelly K. Stultz, AICP
Planning and Community Development Director



Rezoning (Map Amendment) Application

Planning and Inspections Department
308 E. Stadium Dr., Eden, NC 27288
Phone: 336-623-2110 x2 / Fax: 336-623-4057
www.edennc.us

CONTACT INFORMATION

Contact Name Kenan Wright
Contact Address 222 East Meadow Road
City Eden State NC Zip 27288
Phone Number 336-552-9975 Email Kenanwright@triad.twcbc.com
Contact's Property Interest or Legal Relationship to Owner Legal Representative

PROPERTY OWNER INFORMATION

Property Owner Name Homer Wright
Property Owner Mailing Address 222 East Meadow Road
City Eden State NC Zip 27288
Phone 336-623 8481 Email Kenanwright@triad.twcbc.com

PROPERTY INFORMATION

Tax Property ID No. (PIN) 7080-1961-1372
Deed Book and Page No. 1454 Page 2410
Physical Address Gallagher's Way
City Eden State NC Zip 27288
Year Current Owner Acquired Property 2013 Acreage 22 AC[±]
Public Water Available? Yes No Public Sewer Available? Yes No
Current Use of Property Vacant
City Jurisdiction: In-City Limits ETJ

Existing land use/zoning on adjoining properties:

North: Golf Course
South: Golf Course
East: Golf Course
West: Golf Course

ADDITIONAL INFORMATION

Attach the following documents to this application form:

- Recorded deed to the property
- Copy of the recorded plat or survey for the property* or A map showing dimensions of the property

*Preferred

PROCESS & FILING INFORMATION

Submission Requirements: Per Article 3 of the Eden Unified Development Ordinance (UDO), every applicant for a rezoning (map amendment) is required to meet with the Administrator in a pre-application conference prior to the submittal of a formal application. The purposes of this conference are to provide additional information regarding the review process and assistance in the preparation of the application. Upon application submittal, the Administrator shall review the application to ensure that it is complete.

Review Process: After review and recommendation of the application by the Administrator, the Planning Board shall review and provide a recommendation to the City Council. Upon receiving a recommendation from the Planning Board, the City Council shall hold a legislative public hearing on the proposal for official action.

Required Application Information: A petitioner must complete this application in full. This application will not be processed unless all information requested is provided.

General Rezoning Requests: These are "general" requests involving a zoning change to an individual parcel of land. The request is to amend or change the City's Official Zoning Map in a certain area from one zoning district to another. "General" rezoning requests are not specific and if approved, any permitted land use within the new zoning district as illustrated in Section 5.06 (Table of Permitted Uses) of the Eden UDO could be permitted.

Conditional Zoning District Requests: Conditional Zoning Districts (CZ) are districts with conditions voluntarily added by the applicant. Conditional Zoning Districts provide for orderly and flexible development under the general policies of this ordinance without the constraints of some of the prescribed standards guiding by-right development. Conditional Zoning Districts may be used in any district but is not intended to relieve hardships that would otherwise be handled using a variance procedure. Conditional Zoning District rezonings can include restrictive land uses, site/subdivision master plans and other information as described in Section 3.10 of the UDO.

ZONING INFORMATION

Request Type: General Rezoning Conditional Zoning District

Current Zoning District R-20

Requested Zoning District RMX

If the request is to a Conditional Zoning District this application should be accompanied by an Existing Conditions Map, a Sketch Plan (may be waived by the Administrator as appropriate), and Master Plan; as well as any other plans, drawings, renderings, elevations, maps and documents specifically included as development documents for approval by the City Council. At a minimum, the following should be provided:

1. The underlying zoning districts and a full list of proposed uses consistent in character with those zoning districts. Such use classifications may be selected from any of the uses, whether permitted, by right or with supplemental



Rezoning (Map Amendment) Application

Planning and Inspections Department
308 E. Stadium Dr., Eden, NC 27288

Phone: 336-623-2110 x2 / Fax: 336-623-4057

www.edennc.us

standards, allowed in the general zoning district upon which the Conditional Zoning District is based. Uses not otherwise permitted within the general zoning district shall not be permitted within the Conditional Zoning District.

2. General traffic routes (external and internal) to and from the development with major access points identified.
3. Tabular data, including the range and scope of proposed land uses, proposed densities, floor area ratios and impervious surface ratios as applicable to development type; and land areas devoted to each type of general land use and phase of development.
4. A proposed development schedule if the project is to be phased.

Proposed Land Use(s):

Residential

Proposed Conditions Offered by Applicant:

APPLICANT/OWNER CERTIFICATION

I hereby certify that, to the best of my knowledge, the information on this application is true and accurate, and I hereby petition the Planning Board to recommend and the City Council to approve this application for a rezoning (map amendment).

Applicant Signature

Keray Wright

Date

10/3/2022

Property Owner Signature

John Elwood

Date

10/3/2022

Office Use Only

Staff Member (Initial upon Receipt)

OM

Date

10/3/2022

Application Number

2-22-07

Fee Paid



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CONTACT INFORMATION

Contact Name Kenan Wright
Contact Address 222 East Meadow Road
City Eden State NC Zip 27288
Phone Number 336-552-9975 Email Kenanwright@triad.twcbc.com
Contact's Property Interest or Legal Relationship to Owner Partner

PROPERTY OWNER INFORMATION

Property Owner Name MG Holding, LLC
Property Owner Mailing Address 222 East Meadow Road
City Eden State NC Zip 27288
Phone 336-623 8481 Email Kenanwright@triad.twcbc.com

PROPERTY INFORMATION

Tax Property ID No. (PIN) 7080-1951-5024
Deed Book and Page No. 1574 Page 1772
Physical Address Stadium Drive & Edgewood Drive
City Eden State NC Zip 27288
Year Current Owner Acquired Property 2009 Acreage 60 AC +/-
Public Water Available? Yes No Public Sewer Available? Yes No
Current Use of Property Vacant
City Jurisdiction: In-City Limits ETJ

Existing land use/zoning on adjoining properties:

North: Single Family
South: Golf Course
East: Single family
West: Golf Course

Part of PIN
7080-19-51-5025



ExploreEdenNC.com



ADDITIONAL INFORMATION

Attach the following documents to this application form:

Recorded deed to the property

Copy of the recorded plat or survey for the property* or A map showing dimensions of the property

*Preferred

PROCESS & FILING INFORMATION

Submission Requirements: Per Article 3 of the Eden Unified Development Ordinance (UDO), every applicant for a rezoning (map amendment) is required to meet with the Administrator in a pre-application conference prior to the submittal of a formal application. The purposes of this conference are to provide additional information regarding the review process and assistance in the preparation of the application. Upon application submittal, the Administrator shall review the application to ensure that it is complete.

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ZONING INFORMATION

Request Type: General Rezoning Conditional Zoning District

Current Zoning District R-20

Requested Zoning District RMX

If the request is to a Conditional Zoning District this application should be accompanied by an Existing Conditions Map, a Sketch Plan (may be waived by the Administrator as appropriate), and Master Plan; as well as any other plans, drawings, renderings, elevations, maps and documents specifically included as development documents for approval by the City Council. At a minimum, the following should be provided:

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Such use classifications may be selected from any of the uses, whether permitted, by right or with supplemental



Rezoning (Map Amendment) Application

Planning and Inspections Department
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Phone: 336-623-2110 x2 / Fax: 336-623-4057
www.edennc.us

standards, allowed in the general zoning district upon which the Conditional Zoning District is based. Uses not otherwise permitted within the general zoning district shall not be permitted within the Conditional Zoning District.

2. General traffic routes (external and internal) to and from the development with major access points identified.
3. Tabular data, including the range and scope of proposed land uses, proposed densities, floor area ratios and impervious surface ratios as applicable to development type; and land areas devoted to each type of general land use and phase of development.
4. A proposed development schedule if the project is to be phased.

Proposed Land Use(s):

Residential

Proposed Conditions Offered by Applicant:

APPLICANT/OWNER CERTIFICATION

I hereby certify that, to the best of my knowledge, the information on this application is true and accurate, and I hereby petition the Planning Board to recommend and the City Council to approve this application for a rezoning (map amendment).

Applicant Signature Kerou Waight Date 10/3/2022
 Property Owner Signature Kerou Waight Date 10/3/2022

Office Use Only

Staff Member (Initial upon Receipt) DN Date 10/3/2022
 Application Number 2-22-07 Fee Paid _____



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Contact Name Kenan Wright
Contact Address 222 East Meadow Road
City Eden State NC Zip 27288
Phone Number 336-552-9975 Email Kenanwright@triad.twcbc.com
Contact's Property Interest or Legal Relationship to Owner Partner

PROPERTY OWNER INFORMATION

Property Owner Name Meadow Greens Place, LLC
Property Owner Mailing Address 222 East Meadow Road
City Eden State NC Zip 27288
Phone 336-623 8481 Email Kenanwright@triad.twcbc.com

PROPERTY INFORMATION

Tax Property ID No. (PIN) 7080-2070-3558
Deed Book and Page No. 1018 Page: 1722
Physical Address Edgewood Road
City Eden State NC Zip 27288
Year Current Owner Acquired Property July 1999 Acreage 7 AC⁺
Public Water Available? Yes No Public Sewer Available? Yes No
Current Use of Property Vacant
City Jurisdiction: In-City Limits FT.I

Existing land use/zoning on adjoining properties:

North: Golf Course
South: Golf Course
East: Single Family
West: Golf Course

Part of PIN
7080-19-72-4269
Eden



ExploreEdenNC.com



ADDITIONAL INFORMATION

Attach the following documents to this application form:

- Recorded deed to the property
- Copy of the recorded plat or survey for the property* or A map showing dimensions of the property

*Preferred

PROCESS & FILING INFORMATION

Submission Requirements: Per Article 3 of the Eden Unified Development Ordinance (UDO), every applicant for a rezoning (map amendment) is required to meet with the Administrator in a pre-application conference prior to the submittal of a formal application. The purposes of this conference are to provide additional information regarding the review process and assistance in the preparation of the application. Upon application submittal, the Administrator shall review the application to ensure that it is complete.

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Current Zoning District R-20

Requested Zoning District RMX

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standards, allowed in the general zoning district upon which the Conditional Zoning District is based. Uses not otherwise permitted within the general zoning district shall not be permitted within the Conditional Zoning District.

2. General traffic routes (external and internal) to and from the development with major access points identified.
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4. A proposed development schedule if the project is to be phased.

Proposed Land Use(s):

Residential

Proposed Conditions Offered by Applicant:

APPLICANT/OWNER CERTIFICATION

I hereby certify that, to the best of my knowledge, the information on this application is true and accurate, and I hereby petition the Planning Board to recommend and the City Council to approve this application for a rezoning (map amendment).

Applicant Signature

Keron Wright

Date

10/3/2022

Property Owner Signature

Keron Wright

Date

10/3/2022

Office Use Only

Staff Member (Initial upon Receipt)

[Initials]

Date

10/3/2022

Application Number

2-22-07

Fee Paid

**PLANNING AND INSPECTIONS DEPARTMENT
ZONING MAP AMENDMENT REPORT
October 25, 2022, Revised November 1, 2022**

| | |
|-----------------------------------|--|
| CASE NUMBER: | Z-22-07 |
| EXISTING ZONING DISTRICT: | R20 |
| REQUESTED ZONING DISTRICT: | RMX |
| APPLICANT: | Kenan Wright |
| APPLICANT'S STATUS: | Agent for Homer E. Wright, Jr., MG Holding, LLC, and Meadow Greens Place LLC, Property Owners |

PROPERTY INFORMATION

| | |
|------------------------|--|
| LOCATION: | (Off) Gallagher's Way, (Off) Bermuda Drive, (Off) S. Edgewood Road |
| PIN: | Part of 7080-19-61-1372, 7080-19-51-5025, 7080-19-72-4269 |
| SIZE: | Approximately 89 acres |
| ACCESS: | S. Edgewood Road |
| LAND USE: | Residential |
| ZONING HISTORY: | Previously zoned R20 as part of UDO updates in 2021 |

AREA INFORMATION

| | | | |
|-------------------------|--|---------------|--|
| CHARACTERISTICS: | Bordered on the north by R20 property containing an existing golf course and developed residential property (along E. Stadium Drive) and two parcels of NMX property. Bordered on the south by developed R20 properties containing single-family residential uses and an existing golf course. Bordered on the west by undeveloped R20 properties and developed R20 properties containing single-family residential uses and an existing golf course. Bordered on the east by developed R20, R20 (CZ) properties and an existing golf course (along S. Edgewood Road). | | |
| ADJACENT ZONING: | North: | R20, NMX | |
| | East: | R20, R20 (CZ) | |
| | West: | R20 | |
| | South: | R20 | |

PLANNING AND DEVELOPMENT INFORMATION

| | |
|---------------------------------|---------------------------|
| STREET IMPROVEMENTS: | Yes |
| PUBLIC WATER AVAILABLE: | Yes |
| PUBLIC SEWER AVAILABLE: | Yes |
| 2021 COMPREHENSIVE PLAN: | Suburban Residential (SR) |

FLOOD HAZARD AREA: None

WATER SUPPLY WATERSHED: None

STAFF ANALYSIS

The request is to rezone part of three (3) parcels of approximately 89 acres from Residential 20 (R20) to Residential Mixed Use (RMX). The R20 districts are established for residential developments and related recreational, religious and educational facilities. They are intended to act as transitional zoning districts between rural development and the more urban development of the City. These regulations are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district. The Residential Mixed Use (RMX) district is established to accommodate a variety of housing types in a neighborhood setting and is intended to provide areas for higher density residential development near commercial areas such as the BC, NMX and BH districts. The intent is to create higher density residential areas that compliment commercial districts with physical proximity and pedestrian connectivity.

The subject parcel is located off of S. Edgewood Road and surrounded by the Oak Hills Golf Course. The RMX district would permit single-family residential uses, as well as single-family attached housing (townhomes) and multi-family housing. The RMX district would also permit smaller scaled, low impact commercial and office uses so as not to adversely affect the residential nature of the area. Staff is of the opinion that the uses allowed in the RMX district would not negatively impact the surrounding residential areas, and could be beneficial to the area by providing small scaled commercial and office uses for the neighboring neighborhoods. Therefore, staff recommends in favor of the request.

Based upon the character of the area and the existing uses in the area, staff recommends in favor of the RMX request.

STAFF RECOMMENDATION:

Approval of the RMX request.



ZONING CASE

Z-22-07

AERIAL MAP



**Part of PIN's:
7080-19-61-1372,
7080-19-51-5025 and
7080-19-72-4269**

**Zoned:
Residential 20**

**Request:
Residential Mixed Use**



ZONING CASE

Z-22-07

ZONING MAP



**Part of PIN's:
7080-19-61-1372,
7080-19-51-5025 and
7080-19-72-4269**

**Zoned:
Residential 20**

**Request:
Residential Mixed Use**

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 Residential 20 to Residential Mixed Use the following property:

BEGINNING at an iron stake marking the southwest corner of Lot 6, Section C of a map entitled "Tri-City Meadow Greens Development" prepared by W. T. Combs, C.E., December 31, 1955, revised July 10, 1957, and recorded in Map Book 7, page 140; thence with the rear lines of Lots 1 – 6, Section C, and a 60 foot road easement as shown on the above referenced map, South 03 deg. 21 min. 18 sec. West 660.03 feet to an iron stake marking the southwest corner of Lot 25, Section B, Tri-City Meadow Greens Development; thence with the rear lines of Lots 19 – 25, Section B, and a portion of Lot 18, Section B, South 03 deg. 21 min. 18 sec. West 755.60 feet to an iron stake in the rear line of Lot 18, Section B; thence with the south line of Parcel A as shown on a Composite Map for Peter F. Osborne, John Smith, Jr. & Homer E. Wright, Jr. recorded in Map Book 41, page 82, North 69 deg. 49 min. 48 sec. West 259.60 feet, North 77 deg. 26 min. 28 sec. West 206.95 feet, North 13 deg. 28 min. 51 sec. West 72.96 feet and South 69 deg. 21 min. 22 sec. West 414.19 feet to an iron stake; thence North 20 deg. 34 min. 49 sec. West 60.50 feet to an iron stake marking the south east corner of Lot 7, Section A, Tri-City Meadow Greens Development; thence with the rear lines of Lots 2 – 7, Section A, South 69 deg. 22 min. 54 sec. East 600 feet to the rear corner for Lots 1 and 2, Section A; thence South 20 deg. 39 min. 03 sec. East 122.32 feet to an iron; thence South 69 deg. 22 min. 54 sec. West 128.39 feet to an iron marking the center line of Moir Branch; thence South 19 deg. 17 min. 37 sec. West 14.03 feet to an iron stake; thence South 48 deg. 22 min. 37 sec. East 71.93 feet to an iron stake; thence with the south line of the Meadow Greens Country Club, Inc. as shown on the Composite Map, South 69 deg. 21 min. 36 sec. West 1,153.29 feet to an iron stake; thence South 2 deg. 36 min. 07 sec. West 607.37 feet to an iron stake; thence South 48 deg. 49 min. 37 sec. East 500.66 feet to an iron stake; thence South 30 deg. 36 min. 57 sec. West 405.49 feet to an iron stake; thence South 6 deg. 20 min. 20 sec. East 520.23 feet to an iron stake; thence South 86 deg. 38 min. 42 sec. East 779.28 feet to an iron stake; thence North 10 deg. 14 min. 41 sec. East 1,250.43 feet to an iron stake; thence South 86 deg. 38 min. 42 sec. East 394.57 feet to an iron stake; thence North 32 deg. 17 min. 36 sec. East 92.15 feet to an iron stake; thence North 04 deg. 35 min. 17 sec. East 190 feet to an iron stake marking the

northeast corner for Easement 6 (Map Book 41, page 82); thence with the north lines of Easements 4, 5 and 6, South 85 deg. 24 min. 43 sec. East 140 feet, North 81 deg. 34 min. 25 sec. East 118.72 chord distance, 119.75 arc distance, North 56 deg. 00 min. 36 sec. East 114.54 chord distance, 115.46 arc distance, North 43 deg. 27 min. 42 sec. East 53.49 feet and North 43 deg. 27 min. 42 sec. East 124.07 feet to an iron stake in the west line of Parcel B (Map Book 41, page 82); thence with the west line of Parcel B, South 19 deg. 21 min. 43 sec. West 447.99 feet to an iron stake; thence South 15 deg. 45 min. 35 sec. East 88.77 feet to an iron stake; thence South 86 deg. 38 min. 42 sec. East 143.05 feet to the POINT OF BEGINNING.

The above described property being portions of properties commonly identified by the Rockingham County Tax Dept. as PIN 7080-19-51-5025, PIN 7080-19-72-4269 and PIN 7080-19-61-1372.

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

APPROVED, ADOPTED AND EFFECTIVE, this 15th day of November, 2022.

CITY OF EDEN

BY: _____
Neville A. Hall, Mayor

ATTEST:

Deanna Hunt, City Clerk

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
A PROPOSED AMENDMENT TO THE
CITY OF EDEN UNIFIED DEVELOPMENT ORDINANCE
CASE NUMBER Z-22-07
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 May 17, 2022, the Eden City Council adopted the Comprehensive Plan which included a Future Land Use Map. Plans such as the City of Eden Comprehensive 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 approximately 89 acres off South Edgewood Road from Residential 20 to Residential Mixed Use.

WHEREAS, On October 25, 2022, the City of Eden Planning Board voted to recommend to the Eden City Council that the rezoning request be approved.

STATEMENT OF NEED:

The RMX district would permit single-family residential uses, as well as single-family attached housing (townhomes) and multi-family housing. The RMX district would also permit smaller scaled, low impact commercial and office uses so as not to adversely affect the residential nature of the area. The uses allowed in the RMX district would not negatively impact the surrounding residential areas, and could be beneficial to the area by providing small scaled commercial and office uses for the neighboring residential areas.

STATEMENT OF CONSISTENCY:

The goals of the 2022 City of Eden Comprehensive Plan 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 Comprehensive Plan 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 2022 City of Eden Comprehensive Plan.
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 15th day of November, 2022.

CITY OF EDEN

BY: _____
Neville Hall, Mayor

ATTEST:

Deanna Hunt, City Clerk



Planning and Community Development Department

308 East Stadium Drive, Eden, North Carolina 27288 Phone: (336) 623-2110 Fax: (336) 623-4057

MEMO

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Kelly K. Stultz, Director
Subject: **2023 Boards and Commissions Appointments**
Date: November 4, 2022

The following seats on the City Boards and Commissions are up for appointment or reappointment in 2023. When making appointments, please consider whether these persons have the time or the ability (for whatever reason) to attend regular meetings and participate in the activities of the board or commission.

If you have questions, please do not hesitate to call.

Ward 1 Councilman Moore

Historic Preservation – Everall Peele (Term expired)
Planning Board – Eddie Barker (Term expired)

Ward 2 Councilman Nooe

Historic Preservation – Frank Reid (Term expired)

Ward 3 Councilman Kirkman

Board of Adjustment – Barney Walker (Term for 2022 – 2023)
Community Appearance – Karla McDonald (Resigned; 2022 – 2023)
Planning Board – Barbara Garland (Term expired)

Ward 4 Councilman Epps

Board of Adjustment – Doris Hale (Term expired)
Community Appearance – Faye Shelton (Term expired)

Ward 5 Councilman Underwood

Community Appearance – Jennifer Shelton (Term expired)
Planning Board – Amelia Dallas (Term expired)

Ward 6 Councilman Hunnicutt

Tree Board – Jason Harris (Term expired)

Ward 7 Councilman Ellis

Planning Board – Frank Wyatt (Term expired)
Tree Board – Gina Ellis (Term expired)

Mayor Hall

Board of Adjustment – Jackie Hampton (Term expired)

Tree Board – Dale Warren (Term expired)

ETJ (Must be appointed by City Council and approved by County Commissioners)

Board of Adjustment – David L. Everett (Term expired)

The following are the days and times that each board meets each month:

| <u>Board</u> | <u>Day</u> | <u>Time</u> |
|-------------------------------------|--|--------------------|
| Board of Adjustment | 1st Thursday each month When required by applications | 5:30 pm |
| Community Appearance Commission | 1st Tuesday each month | 5:30 pm |
| Historic Preservation Commission | 2nd Monday each month | 5:30 pm |
| Planning Board | 4th Tuesday each month | 5:30 pm |
| Tree Board | 3rd Monday of each month | Noon |



Planning and Community Development Department

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

MEMO

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Kelly K. Stultz, AICP, Director
Subject: **Zoning Violation**
809 Spring Street
Date: November 4, 2022

On June 1, 2022, a letter was mailed to the property owners at 809 Spring Street, Abraham Lopez Bravo and Ilda A. Escalante Lopez and others, giving them notice that they were in violation of the City of Eden Unified Development Ordinance. They have numerous disabled and/or junk vehicles stored on the property and appear to be operating a towing and temporary storage facility in the Residential 12 zoning district.

On July 5, 2022, a second letter was mailed to the property owners giving them notice that they continued to be in violation of the City of Eden Unified Development Ordinance and had 30 days to abate the violation.

On August 8, 2022, an inspection was made and found that the conditions remained the same on the property. A third letter was mailed to the property owners on August 8, 2022, advising them that they had 30 days to bring the property into compliance or the matter would be placed on the September 20, 2022, Agenda for the City Council's regular meeting.

On November 3, 2022, an inspection was made and found that conditions remained the same on the property.

Staff requests that the City Council authorize the City Attorney to begin legal action immediately to enforce the City of Eden Unified Development Ordinance. Attached are copies of the three letters and the Disabled Vehicle provisions of the Unified Development Ordinance.

3. For purposes of this section, a chronic violator is a person who owns property whereupon, in the previous calendar year, the city gave notice of violation at least three times under any provision of the public nuisance ordinance.

D. APPEALS

See *Article 3 – Development and Administrative Review Procedures* for Appeals of Administrator's Decision.

12.03 DISABLED MOTOR VEHICLES

A. DEFINITIONS

See *Article 14 – Definitions*.

B. PERMITTED

1. The parking, storage or use of vehicles may be allowed as accessory to any use allowed by this Ordinance, subject to the following standards:
 - a. **Residential Uses**
 - (1) One disabled vehicle is allowed on a lot with a single-family dwelling or duplex dwelling, provided the disabled vehicle is parked or stored behind the front building line of the principal structure.
 - (2) Additional disabled vehicles on a single-family or duplex lot and any disabled vehicle parked or stored on a lot with any other residential use shall be located within a fully enclosed principal or accessory structure.
 - b. **Non-residential Uses**
 - (1) Unless otherwise specifically allowed as a permitted use in a particular zoning district, one (1) disabled motor vehicle is allowed to be kept or stored on a lot as an accessory to a principal use, provided the disabled vehicle is parked or stored behind the front building line of the principal structure and is fully screened and not visible from the street or from any residential use or district.
 - (2) Acceptable screening may include a solid fence, a tarp or similar type of covering, and or a fully enclosed structure.
 - c. **All Other Uses**
 - (1) A disabled motor vehicle may be parked or stored on a lot containing an agricultural, institutional, commercial, or industrial use, provided it is totally screened from view from any street or residential zoning district or use.
 - (2) The disabled vehicle shall be stored within a fully enclosed building or fully screened by a building, opaque fence, wall, or other approved method, to a height of six (6) feet above grade level.
 - (3) No disabled motor vehicle shall be permitted to be kept or stored on any vacant lot without a principal use structure.



Planning and Community Development Department

308 East Stadium Drive, Eden, North Carolina 27288 Phone: (336) 623-2110 Fax: (336) 623-4057

June 1

~~May 13~~, 2022

Abraham Lopez Bravo
Ilda A. Escalante Lopez & Others
809 Spring St.
Eden, NC 27288

Re: **Property Identified as 809 Spring St., Eden, NC 27288**
PIN #707014348516

Dear Property Owner:

In response to citizens' complaints and the Department's inspection, the property identified above has been found to be in violation of the City of Eden Unified Development Ordinance. There are numerous disabled and/or junk vehicles being stored on the property. Automobile towing and temporary storage services and salvage yards or storage facilities for inoperable or junk vehicles is not a permitted use in the R12 Residential Districts. These vehicles and all materials associated with the automobile salvage yard/storage facility must be removed from the property at once.

Please contact the Planning Department within ten (10) days to discuss abatement of this violation. If you have any questions, I will be available to answer them during regular business hours. The City appreciates your assistance in this matter.

Sincerely,

Kelly K. Stultz, Director of Planning and Community Development

Certified Mail #7021-0950-0001-3650-8959



NOTICE OF CODE VIOLATION
Eden Unified Development Ordinance – Article 12 – Nuisance and Junk Vehicles
Notice of Findings and Order of Abatement

Date: June 1, 2022
To: Abraham Lopez Bravo
Ilda A. Escalante Lopez & Others
809 Spring St.
Eden, NC 27288

Property Location: 809 Spring St., Eden, NC **PIN:** 707014348516

NOTICE OF FINDINGS: Please take note that it is the finding of the Administrator that the property located above is in such condition as to constitute a public nuisance as defined by **Article 12.02 of the Eden Unified Development Ordinance:**

1. **The accumulation of rubbish, trash, junk or combustible items, causing or threatening to cause the accumulation of stagnant water or causing or threatening to cause the inhabitation therein of mosquitoes, harmful insects, rats, mice, snakes or vermin of any kind. MISC. JUNK, TRASH, AUTOMOBILE PARTS, TIRES, MISC. AUTOMOBILE DEBRIS, MISC. OTHER JUNK AND DEBRIS OVER ENTIRE PROPERTY**

If the City has to abate the above condition and any of the following conditions are found to exist, they will also be abated:

2. The uncontrolled growth of noxious weeds, noxious weeds and grass or noxious weeds and other vegetation to a height in excess of twelve (12) inches on the entire parcel of any property or right-of-way area along the frontage of a parcel that is or has been developed except that has been proven to be in use for any current, permitted agricultural operation.
3. The accumulation of rubbish, trash, junk or combustible items, causing or threatening to cause the accumulation of stagnant water or causing or threatening to cause the inhabitation therein of mosquitoes, harmful insects, rats, mice, snakes or vermin of any kind.
4. The accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes or vermin of any kind.
5. The open storage of any ice box, refrigerator, stove, water heater, freezer, other similar large appliances, glass, scrap building materials, building rubbish, debris or similar items.
6. The accumulation of dead trees, fallen sections of tree trunks, tree limbs or tree stumps not removed within thirty (30) days after it has acquired situs on the property. This shall not apply to accumulations of less than two cubic yards or to natural accumulations on never developed parcels of land when such parcels are larger than two (2) acres and such natural accumulation is not within fifty (50) feet of adjoining developed property.
7. The collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind in an open space.
8. The obstruction of public streets, highways or alleys.
9. Conditions which block, hinder, or obstruct in any way the natural flow of branches, streams, creeks, surface waters, ditches or drains. Conditions that cause obstructions in stream channels of the floodways of streams that may impede the passage of water during rain events whether such obstructions are natural or man-made. The actions of the city to abate these obstructions shall not create nor increase the responsibility of the city for the clearing or maintenance of the stream, or for flooding of the stream. In addition, actions by the city to clear obstructions from a stream shall not create in the city any ownership in the stream, obligation to control the stream, or affect any otherwise existing private property right, or entitlement regarding the stream.
10. Swimming pools that cause or threaten to cause the accumulation of stagnant water or cause or threaten to cause the inhabitation therein of mosquitoes, harmful insects, rats, mice, snakes or vermin.
11. Conditions that injure or cause discomfort to the community at large, endanger life, generate disease, have a detrimental effect on the public health, safety and welfare.

NOTICE OF VIOLATION: The above condition constitutes a public nuisance in violation of **Article 12.02 of the Eden Unified Development Ordinance.**

ORDER OF ABATEMENT: You are hereby ordered to abate or remove the condition constituting the public nuisance **within fifteen (15) days** from the date of this order. *This is the only notice you will receive.* If the owner, having been ordered to abate such a public nuisance, fails, neglects, or refuses to abate or remove the condition constituting the nuisance within fifteen (15) days from the date of this order, the Administrator shall cause said condition to be removed or otherwise remedied by having employees of the City or private contractor to go upon said premises and remove or otherwise abate such nuisance. Any person who has been ordered to abate a public nuisance may within the time allowed by this section request to City in writing to remove such condition, the cost of which shall be paid by the person making the request.

APPEAL: Within the fifteen (15) day period, you may appeal this Notice of Findings and Order of Abatement to the Board of Adjustment. Such appeal shall be made within 30 days of the receipt by such aggrieved party of the written notice of decision from the Administrator with the City Clerk. Further information concerning this notice and order may be obtained from the Planning and Inspections Department at (336) 623-2110 Option 2. The City appreciates your cooperation in this matter.



Planning and Community Development Department

P. O. Box 70, Eden, North Carolina 27289-0070 Phone: (336) 623-2110 Fax: (336) 623-4057

July 5, 2022

CERTIFIED MAIL

Abraham Lopez Bravo
Ilda A. Escalante Lopez & Others
809 Spring St.
Eden, NC 27288

Re: **NOTICE OF VIOLATION**
Property Identified as 809 Spring St.
PIN# 7070-1434-8516

Dear Property Owners:

In response to citizen complaints and the Department's observations, you are hereby notified that an inspection of the above referenced property indicated that you are in violation of the City of Eden Unified Development Ordinance;

NATURE OF VIOLATION:

There are numerous disabled and junk vehicles as defined by **Article 12.03** of the City of Eden Unified Development Ordinance located on the property.

Note that **Article 12.03(B)(1)(a)** of the City of Eden Unified Development Ordinance sets out the following standards for residential uses:

- a. One disabled vehicle is allowed on a lot with a single-family dwelling or duplex dwelling, provided the disabled vehicle is parked or stored behind the principal structure.
- b. Additional disabled vehicles on a single-family or duplex lot and any disabled vehicle parked or stored on a lot with any other residential use shall be located within a fully enclosed principal or accessory structure.

THE FOLLOWING CORRECTIVE MEASURES MUST BE TAKEN:

The disabled and junk vehicles and all items and materials associated with the automobile salvage yard/storage facility must be removed from the property within 30 days of the date of this notice.

PENALTY FOR VIOLATION:

If the owner of the premises fails to voluntarily remove, abate or remedy the nuisance within the 30-day period, the Administrator shall conduct a hearing to determine if the owner of the premises should be ordered to remove, abate or remedy the nuisance and shall give the owner of the premises written notice of hearing. In the event the owner fails to remove, abate or remedy the nuisance as ordered, the Administrator shall notify the City Council of the owner's failure or refusal to comply with the order to remove, abate or remedy said nuisance. In the event the city takes action to remove, abate or remedy the nuisance, the expense of the action shall be paid by the person in default in failing to remove, abate or remedy the nuisance, and, if not paid, the said expenses shall be a lien upon the land or premises where the nuisance occurred and shall be collected as taxes. **Furthermore, the City may impose a civil penalty of \$100 dollars per day for each day the violation continues.**

APPEAL:

Please be advised that you have the right to appeal this order and request a review of the enforcement action by the Board of Adjustment. **Any such appeal must be filed in writing with the Board of Adjustment within thirty (30) days of the receipt of this notice and order.**

Should you want further information, please do not hesitate to contact me. The City will greatly appreciate your cooperation.

Sincerely,



Kelly K. Stultz, AICP
Planning & Inspections Director



Planning and Community Development Department

P.O. Box 70, 308 East Stadium Drive, Eden, North Carolina 27288 Phone: (336) 623-2110 Fax: (336) 623-4057

August 8, 2022

CERTIFIED MAIL

Abraham Lopez Bravo
Ilda A. Escalante Lopez & Others
809 Spring St.
Eden, NC 27288

Re: **FINAL NOTICE**
UNIFIED DEVELOPMENT ORDINANCE VIOLATION
Property Identified as 809 Spring St.
PIN# 7070-1434-8516

Dear Property Owners:

On June 1, 2022, the City gave you notice that your property was in violation of the City of Eden Unified Development Ordinance. On July 5, 2022, a second notice was sent to you. Our records indicate that you received that notice on or about July 14, 2022. The notices explained the violation, the actions necessary to correct the violations and your right to appeal the order to abate the violation.

NATURE OF VIOLATION:

There are numerous disabled and junk vehicles as defined by **Article 12.03** of the City of Eden Unified Development Ordinance located on the property.

Note that **Article 12.03(B)(1)(a)** of the City of Eden Unified Development Ordinance sets out the following standards for storage of disabled vehicles on residential properties:

- a. One disabled vehicle is allowed on a lot with a single-family dwelling or duplex dwelling, provided the disabled vehicle is parked or stored behind the principal structure.
- b. Additional disabled vehicles on a single-family or duplex lot and any disabled vehicle parked or stored on a lot with any other residential use shall be located within a fully enclosed principal or accessory structure.

Furthermore, operation of an automobile repair and/or storage facility for disabled vehicles is not a permitted use in the R12 zoning district.

Note that Article 14.03 of the City of Eden Unified Development Ordinance defines a Disabled Vehicle as follows:

A Disabled Motor Vehicle shall be defined as any motor vehicle that meets one or more of the following criteria:

1. Does not display a current license plate; or
2. Is partially dismantled or wrecked; or
3. Cannot be self-propelled or moved in the manner in which it was originally intended; or
4. Is more than five (5) years old and is worth less than \$500.

THE FOLLOWING CORRECTIVE MEASURES MUST BE TAKEN:

The disabled and/or junk vehicles and all items associated with the automobile salvage yard/storage facility must be removed from the property immediately.

PENALTY FOR VIOLATION:

In the event the owner fails to remove, abate or remedy the nuisance as ordered, the Administrator shall notify the City Council of the owner's failure or refusal to comply with the order to remove, abate or remedy said nuisance. Upon receipt of the Administrator's notice that the owner has failed to remove, abate or remedy the nuisance, the City Council may direct any appropriate legal action or proceeding be initiated to remove, abate or remedy the nuisance. In the event the City takes action to remove, abate or remedy the nuisance, the expense of the action shall be paid by the person in default in failing to remove, abate or remedy the nuisance [the property owner], and, if not paid, the said expenses shall be a lien upon the land or premises where the nuisance occurred and shall be collected as unpaid taxes.

If the violation has not been corrected, or substantial action taken to this purpose, and no appeal has been made to the Board of Adjustment within ten (10) days of the date of the notification, the Administrator shall issue a citation in the amount of **\$50 per day per violation, to begin on the eleventh (11th) day after the original notification date, and to continue accumulating until the violation is corrected.** If the penalty is not paid in a timely manner a lien may be placed on the property in that amount and/or the City may sue for payment, including legal expenses, through the civil courts.

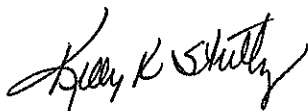
This matter will be added to the City Council agenda for September 20, 2022.

APPEAL:

Please be advised that you have the right to appeal this order and request a review of the enforcement action by the Board of Adjustment. **Any such appeal must be made in writing and shall be filed with the Board of Adjustment within ten (10) days of the date of this notice and order.**

Should you want further information, please do not hesitate to contact me. The City will greatly appreciate your cooperation.

Sincerely,



Kelly K. Stultz, AICP
Planning & Inspections Director







City Manager's Report
November 2022
City Manager Jon Mendenhall

PARKS & RECREATION DEPARTMENT

Recreation Division

Bridge Street: In October, the Bridge Street Recreation Center had 672 visits by residents. We have had more people using our courts to play tennis and pickleball throughout the day. The walking track is also popular for all ages throughout the week. The Meals with Friends has over 20 people attending Monday through Thursday each week. Meals On Wheels continues to operate out of our Nutrition Center. Plates are picked up each day and delivered to those who are homebound. Many seniors come to the facility early each day for fellowship with others and eat lunch Monday through Thursday from 10:00 a.m. until 1:00 p.m. Our seniors continue to have exercise classes as well as pickleball, shuffleboard, tennis, and basketball lessons/games. Bridge Street continues to be a popular rental facility just about every weekend. It is rented for parties, reunions, baby showers, etc. We still have school supplies if anyone needs any. Our center hours are: Monday through Thursday from 11:00 a.m. until 7:00 p.m. and on Friday 10:00 a.m. until 6:00 p.m. The Staff continues to sanitize everything throughout the day.

Mill Avenue: We had 2,032 visits to the Mill Avenue Center by residents who participated in our activities. Those attending walked the track, played basketball, pickleball, cornhole or played on the playground. Our morning pickleball begins at 8:00 a.m. on Mondays, Wednesdays and Fridays and the evening group plays on Tuesday and Thursday evening when the gym is available. Women's Fall Volleyball began on Monday, November 7. Staff continues to clean, sanitize, do floors and make minor repairs to the Recreation Center. Our center hours are: Monday through Thursday from 11:00 a.m. until 7:00 p.m. and on Friday 10:00 a.m. until 6:00 p.m.

Freedom Park: There are more people utilizing the new dog park. The basketball courts continue to be a popular place for our teenagers and young adults. Our bocce and volleyball courts are there for anyone that would like to play on them. The batting cage is being used quite often for instructions from coaches. The shelters were rented out 14 times. There was no Concert in the Park/Cruise In this month. The Holmes Middle School Softball team finished their season as they played two more home games and finished third in the league. Our Annual Halloween Party at Freedom Park held on October 29 was a big success. We had a huge turnout of all ages who enjoyed the bounce houses as well as participated in our contests and games.

Thanks to all of the participants in our costume contest. The winners were all treated to nice Halloween baskets with candy and goodies.

Senior Citizens: We had 740 visits during the month of October. We had an average of 38 people per day who take advantage of senior center programs. We had 32 people join in for cards and games, 162 in fitness and exercise, 10 in health screenings and promotion, 25 in offsite excursions, 64 in socializing, 68 in special groups, 253 in sports and a total of 740 in total event sign ins. On October 4, the UNC Recipe for Success met. On October 11, a flu shot clinic was held. On October 18, Eden Drug presented a health information session. On October 25, we held breakfast, bingo & birthdays. Bocce and shuffleboard games are continuing through November. Regular scheduled classes continued for our walking group and pickleball has moved indoors due to the weather.

Youth Athletics: Our Prowler Football teams traveled to Southwest Guilford High School on October 15 and played at the Morehead High School Football Stadium against the Reidsville Bulldogs on October 22 and against Northern Guilford Nighthawks on October 29. Thank you again to our cheerleaders for their support.

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

Collections

Rockingham County Tax Department collected \$105.00 and the City of Eden collected \$1,050.00 in code enforcement fees in the month of October. Statements were mailed to all property owners with an outstanding balance for code enforcement fees.

Inspections & Permits October 1-October 31

| | |
|-------------------------------|-----|
| Local Code Notices Sent: | 75 |
| Local Code Violations Abated: | 37 |
| Permits Issued: | 131 |
| Total Inspections Performed: | 277 |

Boards and Commissions

The Planning Board met in October and reviewed a rezoning request submitted by Kenan Wright for property that is near the Oak Hills Golf Course to change the zoning from residential 20 to neighborhood mixed. Planning Board voted unanimously to approve the request. One member recused herself due to a business relationship with the applicant.

The Community Appearance Commission (CAC) met for the month of October and finalized the **Welcome to Draper** sign location and discussed future project ideas.

The Historic Preservation Commission (HPC) met for the month of October and discussed various related topics, including the Norman Woodlief mural designation project and the Spray Traffic Circle Fountain project idea.

The Tree Board met for the month of October and discussed future project ideas such as tree planting at the First Presbyterian Church, tree planting in memorial of Chair Max Kirk's mother, and a tree planting in recognition of former staff representative Mrs. Debbie Galloway for her years of service.

Grants

CDBG-Draper: The Piedmont Triad Regional Council had a personnel change, which required that an inspector revisit the original four homes and schedule visits for the remaining four homes. We expect to

receive the work write-ups on all eight homes within the next few weeks. As soon as those are received, we will be ready to advertise for bids for the construction and renovations.

CDBG-CV: The next round of documentation cannot be filed until the deed is recorded and the City of Eden is the legal owner of this property.

Rural Transformation: The application was submitted on November 1 requesting \$949,952. The announcement of the grant awards is expected by December 16, 2022.

CDBG Fire Station Rehab: The renovations have begun at Eden Fire Station No. 2 at 1431 Fieldcrest Road.

POLICE DEPARTMENT

Tait radios have been ordered consistent with the capital plan (\$292,722) to replace all existing 800mhz radios with the TDMA compliant 800mhz radios. These radios should arrive late November – early December. We should have the portable units fielded within two weeks of delivery. The mobile units should be installed by mid-January.

Three FORD F-150 Police Responders have been ordered. There is a tentative build window of November 2022 through February 2023.

Two Dodge Durango Pursuit Vehicles have been purchased and are in our possession. We met with Brook's Public Safety (NC Contract Vendor for Police Upfit) to inspect their quality of work. We are now awaiting our finalized quote from Brook's and plan to proceed with their services. This project should be completed by the end of the month.


We are currently in search of three quality candidates to fill the remaining vacancies.

DEPARTMENT OF PUBLIC WORKS

In May of this year, advertising for curbside recycling was released. Customers were encouraged to sign up in the Finance Department at City Hall. From May 1, 2022 through September 30, 2022, the total number of residents who signed up was 139; however, there was a minimum of 200 in order offer the service. Due to insufficient resident participation, the City will not be able to offer curbside recycling at this time.



Memo

To: Honorable Mayor and Council
Thru: Jon Mendenhall, City Manager
From:  Paul Dishmon, Director of Public Works
Date: 10/31/2022
Re: Curbside Recycling

In May of this year, advertising for curbside recycling was released. Customers were encouraged to sign up in Finance Department at city hall. From May 1, 2022 through September 30, 2022 the total number of residents who signed up was 139, however, there was a minimum of 200 in order offer the service.

Due to insufficient resident participation, the City will not be able to offer curbside recycling at this time.

CITY OF EDEN, N.C.

A special meeting of the City Council, City of Eden, was held on Monday, October 17, 2022 at 6 p.m. in the Conference Room, 308 E. Stadium Drive. Those present for the meeting were as follows:

| | |
|-------------------------|-------------------|
| Mayor: | Neville Hall |
| Council Members: | Gerald Ellis |
| | Jerry Epps |
| | Phillip Hunnicutt |
| | Kenny Kirkman |
| | Bernie Moore |
| | Bruce Nooe |
| | Tommy Underwood |
| City Manager: | Jon Mendenhall |
| City Attorney: | Erin Gilley |
| City Clerk: | Deanna Hunt |
| Assistant City Manager: | Clint Simpson |

MEETING CONVENED:

Mayor Pro Tem Bernie Moore called the special meeting of the Eden City Council to order.

CLOSED SESSION:

Council Member Underwood made a motion to go into closed session pursuant to NCGS 143-318.11 (a)(3) and (6) to protect attorney-client privilege and to discuss personnel. Council Member Ellis seconded the motion. All members voted in favor of the motion. The motion carried.

Council Member Moore made motion to return to open session. Council Member Nooe seconded the motion. All members voted in favor of the motion. The motion carried.

ADJOURNMENT:

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

Respectfully submitted,

Deanna Hunt
City Clerk

ATTEST:

Neville Hall
Mayor

CITY OF EDEN, N.C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, October 18, 2022 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: | Gerald Ellis Jerry Epps Phillip Hunnicutt Kenny Kirkman Bernie Moore Bruce Nooe Tommy Underwood |
| City Manager: | Jon Mendenhall |
| City Attorney: | Erin Gilley |
| City Clerk: | Deanna Hunt |
| Media: | Mike Moore, Mike Moore Media Roy Sawyers, Rockingham Update |

MEETING CONVENED:

Mayor Hall called the regular meeting of the Eden City Council to order and welcomed those in attendance. Pastor Johnny Cox of Summit Road Church of God gave an invocation followed by the Pledge of Allegiance led by Fire Chief Chris White.

PROCLAMATIONS AND RECOGNITIONS:

- a. Recognition: Dyer's, Inc., for 95 years in business

Mayor Hall called John Hubbard and Parker Ellis forward. Mayor Hall said Dyer's was founded in 1927 by John Dyer. It was originally an auto body shop and wrecker service. There wasn't much indoor plumbing around town at the time. In the 1950s when public water and sewer service began to be installed in town, Dyer's entered the plumbing industry. It's not often a small company endures as long as they have, but with a strong commitment to customer service and traditional values, this family owned and operated business is still there, now run by Mr. Dyer's grandsons Jim and John Hubbard. He presented Mr. Hubbard with a plaque on behalf of the City.

Mr. Hubbard thanked Council for recognizing Dyer's for being in business 95 years. His grandfather had been there, probably on more than one occasion, being recognized for his years in business. It was an honor being the third generation and being honored for 95 years. He thanked Eden's residents for the support the business had been given over the years. Without their support, Dyer's would not be there. With their continued support, Dyer's would be there for another 95 years.

SET MEETING AGENDA:

Mayor Hall said there was one revision to the agenda: removal of item 12b-approval and adoption of a plan to reorganize the police and fire departments. The item would be discussed at a later date.

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

PUBLIC HEARINGS:

There were none at this time.

REQUESTS AND PETITIONS OF CITIZENS:

Mayor Hall asked City Attorney Erin Gilley to read the policy for speakers.

Scott Fain, 807 Hill Street, thanked Council for allowing him to come in and speak for a few minutes. He wanted to speak in reference to the across the board raises that had been talked about for employees. He had looked real quick at some of the job opportunities that were posted online. While he did see room for improvement, noting the Water Treatment Plant Operator with starting pay of \$29,000. He had taken courses at RCC for wastewater treatment plant operator. You did have to spend your money to take courses to be qualified for certain positions as far as wastewater and water treatment. Yes, he did think \$29,000 was a low number for that particular position. He understood that some of the police officers started out in a low pay grade. He understood that fact. Some of them he thought did deserve a little bit of a raise, but also too he did think they should be rewarded upon their performance. He did not think it should be just a straight across the board raise. He did know that there were some City employees who did make over \$100,000. If you took a five percent or six percent increase, if they were making \$100,000 just do that math on it. That was a significant increase. He knew the City received funds for Covid money to help pay City employees. He thought they got that in January or December and correct him if he was wrong, he thought it was a 7 percent pay increase that was put as a raise. That would be coming up to a year and going away. He asked who was going to foot the bill for it. He also had some other numbers there of who was going to pay that bill, who was going to flip it. Regarding water bills, he had a house on another street that used zero gallons. He was paying \$43 a month for no water. He could bring in the bill and show it – it said no water used. He did not put trash out there but he was still paying \$43. Somebody was like yeah, you had to flip the bill. He also understood that they had to be competitive but this was Eden, North Carolina. He was asking people to think. Maybe there needed to be merit system, maybe they needed to look at, go to the heads of the departments and see who really needed a raise and who didn't. Not only that, but if they were voting on it and it was an across the board vote, it was a conflict of interest for the City of Eden as far as a City Council member.

At this time, Anita Hutcherson spoke from her seat and wanted to yield three minutes to Mr. Fain.

Mr. Fain continued that it would be a conflict of interest for City Council to vote for an across the board raise. He questioned if Council would be included in it too as they were considered employees and getting a check. If it was going to be an across the board raise, that was one of the things he would also ask. Citizens were having a hard enough time making ends meet. He was a small business man, he knew Mr. Hall knew that. He struggled. He knew a lot of other people struggled to pay their water bills and City taxes and so forth. He understood that there were people who needed pay raises and he would love to have a pay raise himself but he had seen a lot of slacking off as far as City employees and he thought everyone could agree that there was someone somewhere in the City they had noticed or knew slacked off. He didn't think that it should be the case that it should be an across the board raise for people that were not going their job correctly, it should be by evaluation, and two, if there was someone making over \$50,000 or \$75,000 for Eden, \$60,000 or even \$50,000 was good for Eden. He was talking for a poor boy from Spray. He was basically asking Council to think about it. He understood there were good people there in the City and good people who needed money too. There was the Covid and that was a good amount that would be ending that year. He thought it was to the tune of about \$200,000. Some of them might know what he was talking about. That was \$200,000 that would be coming out of the City's pocket that was not going to be put in. He urged Council to just think about those things if they would. When they come to vote, he asked that they think about doing something as a merit system for the people who really did deserve the raises. Again, he was just speaking as a poor boy from Spray. He thanked them for their time and thanked Ms. Hutcherson.

Joel Corum, 244 Weaver Street, said he wanted to yield his time to Diana Biggs.

Scottie Eanes, 644 Summit Road, declined to speak.

Norma Jean Corum, 244 Weaver Street, thanked Council for the jobs they did but wanted them to consider what they were about to do. They were not Reidsville, were not Madison, they were Eden, North Carolina. They were a retirement community. Just because Reidsville gave a raise did not mean Eden had the money to do it. She wanted Council to consider the jobs and not giving Administration a raise, go to the policemen. Give a group at

a time. Time study them, whatever they wanted to do. The police needed a raise, give them a raise. If the firemen needed a raise, give them a raise but do not go across the board and give a raise. Council needed to consider the jobs police did. If they needed a raise, give them a raise. If the firemen needed a raise, give them a raise. Across the board was the most ridiculous thing she had ever heard. The Covid money was running out. They did not have the money in the City to do what Council foolishly did the other night. She wanted Council to consider it and remember what their job was – take the money the town had and use it wisely. She asked Council to do that. She thanked them.

Diana Biggs, 110 Vaughn Street, thanked the Mayor and Council for listening. She had four items she wished to address quickly. Number one was the Draper Fire Department. She wanted to thank them for staying on top of the situation. She had seen that the construction company was there getting things ready and she hoped that would not take long to complete. She thanked Council for staying on top of it until it had been fixed. Number two was the Draper School building. The City had tarps put on the building to prevent further damage. Some of them were loose and some had already blown off. She would like to know when the next step was and when that would take place. Number three was the road repair at the intersection of Stadium Drive and Edgewood Road. She had brought it to Council after it was fixed after a waterline a while back because it was so rough. It was looked at and a couple of weeks ago they came in to redo it. She did not know if the City did it or someone else. They had the road blocked all the way to New Street and she did not go around to find out. Now it was worse that it had been. It was like driving over plates. You had to go up and across and down. She was asking if the City did it if there was a way it could be smoothed out and fixed correctly because bouncing on and off was not normal. Number four was the raise. Some of her remarks had already been covered so forgive her for going over them again. She totally agreed that the employees needed raises. There were gaps in pay rates that needed to be adjusted. The City needed to do a pay study or work study to see where the adjustments needed to be done. She was against the across the table raise. There were some employees who had not been there long and there were some employees who had been here their entire work life and were close to retirement. You get a raise based on your duties, your performance and your qualifications. Not everyone was in the same position. Some may deserve a 3 percent raise while others needed more. It was not a well thought out process. The extra money they had coming in now thanks to Purina would not be high forever. She asked what then. It was not fair to the City taxpayers or the employees. The City had come to this conclusion without any study. The City was spending taxpayer money and not their own because the taxpayers would have to foot the bills to take care of all the money when things changed. She asked where the logic was. The whole thing should have been brought up and looked at during a budget retreat to make necessary preparations instead of doing it at the drop of a hat. She also understood the City was losing employees to other areas and was in a panic mode. Some had chosen to leave. The City was short on employees. Everyone was. It was not just the City. Our government had made that possible and there was nothing we could do to change it. We could not make anyone work. When we were short, we have to do with what we have left until a solution was made just like we did in our homes. Sometimes we had to take away from one thing to cover another one. As a Council Member, they were there to represent the taxpayer. All of the matter should be tabled and studied for a better plan just like the other situations had been tabled in the past. The City should do a normal cost of living raise and then do the employee raises as needed when the study was complete. Like someone else said, we are a small town and could not compete with the larger ones. The employees did work hard and did need a raise. She just did not think this was the correct way to do it.

Andrea Pierce Fox, 1832 Indian Trail, said she was the vice president/city executive of the State Employees' Credit Union in Eden. SECU was the branch servicer of Local Government Federal Credit Union, which served the local government employees. She had been in her current position for 12 years and during that time had gotten to know many of the City of Eden's wonderful employees. She had also participated in the Citizens Academy learning about the City and how the citizens were served. From administration to public works to the water plant to the police department and everyone in between, there were some of the hardest working, most dedicated employees around. Through the years, she had celebrated with these folks as they borrowed money to purchase their first home, buy a new car or send their kids to college. She had also helped them when they needed money for an unexpected medical expense or to bury a loved one. You see, many of them lived paycheck to paycheck, even with a full-time job. Many of them worked second jobs, extra duty or had a side business to support their

family. They had not seen a significant pay increase in years. To be told you are finally getting a substantial pay raise only to be told days later it was being taken away was a kick in the stomach. It was her understanding that funding for the recently approved raise was not the issue but that there were other factors at play. Whatever the reasons may be, the City of Eden employees and more importantly the citizens of Eden deserved transparency in what was going on. It was very difficult right now to fill positions with good qualified applicants. Others were leaving their current positions for better pay in other communities. As Council, they needed to do the right thing and deliver on what was promised to the employees. Show them that Council did appreciate their hard work and dedication to the City. Figure out a solution to whatever the issue was there. That was what Council was elected to do. These were their neighbors, friends and family that were being talked about, but most importantly they were human beings and the backbone that kept the City of Eden running every day. They deserved to be treated better, with dignity and respect, and better pay for the awesome job they did.

UNFINISHED BUSINESS:

a. Consideration of an appointment to the Community Appearance Commission.

Planning and Community Development Director Kelly Stultz wrote in a memo: The following seat on the City Boards and Commissions is vacant and needs to be filled. When making appointments, please consider whether these persons have the time or the ability (for whatever reason) to attend regular meetings and participate in the activities of the board or commission. If you have questions, please do not hesitate to call. Ward 3 Councilman Kirkman Karla McDonald – Community Appearance Commission – Resigned due to schedule conflict.

Mayor Hall said Council Member Kirkman did not have an appointment yet so they could move on.

b. Consideration of economic adjustments to employee compensation.

Mayor Hall called on City Manager Jon Mendenhall and Ms. Gilley.

Ms. Gilley advised they were revisiting the issue from the last meeting. She had spoken with all of Council since that time and would reiterate her legal advice and what she had told them earlier. A legal question had been raised about the vote at the October 7 special called meeting to increase employee compensation through a cost of living adjustment. After legal research and consultation, it had been determined that there was a legal conflict of interest in Council Member Moore's vote. State law, state policy did allow a board member to vote on any interest, that included financial interest except his own or that of a spouse. When she was asked if there was a conflict of interest, she immediately went to the state law or state policy; however, municipalities were allowed to have more restrictive policies. When she reviewed the City's conflict of interest policy in the City code, Eden did have a more restrictive than state policy. The City of Eden Code of Ethics prohibited a board member from voting on the substantial interest of an immediate family member, the immediate family member being more restrictive because it was more than a spouse or their own interest. Based on that City code provision, she looked up the definition of substantial interest and when the numbers were calculated, the 9.5 COLA and additional vacation days did indeed cause a conflict of interest with Council Member Moore's vote, not that she thought there was any ill will on his part and she did not believe any of Council did either; however, they did have that policy so based upon that, the vote that was previously adopted needed to be addressed and proper action taken on that. Mr. Mendenhall had been asked to present the item and supporting information again. She would advise that one way to correct the issue would be to rescind the vote because there was an illegal conflict of interest that had taken place on that. She could answer any questions Council may have.

Mayor Hall asked what the process was for rescinding the vote.

Ms. Gilley said just a motion and to be effective the motion would need to be taken by someone on the prevailing side following Robert's Rules of Order and she would advise Council Member Moore to abstain from that vote and that needed to be recognized in the minutes.

A motion was made by Council Member Underwood to rescind the previously adopted motion for the 9.5 percent cost of living raise and the two additional vacation days for all City employees because of an illegal conflict of interest. Council Member Hunnicutt seconded the motion. All members voted in favor except Council Member Moore, who abstained. The motion carried 6-0.

Mayor Hall said that former vote was now rescinded and he called on Mr. Mendenhall.

Mr. Mendenhall advised he had a presentation for Council and the public as they went through the data behind what they were calling economic adjustments to compensation, which was really a cost of living adjustment due to the inflationary environment they were finding themselves in and were living through every day when they went to the grocery store or went to get gas and so on. They were in tough times. What they really had boiled down to was a retention problem on one hand, as well as a recruitment problem on the other. Attrition fluctuated and had been calculated at about 8.67 percent. Percentages did not do a whole lot for a whole lot of people. What it really meant was they were down to about 160 employees. At their normal size, they were about 180. They had done a lot of things to combine positions so they were really at a position loss of about 15 employees. They were not back office people, they were people who were policemen, firemen, public works employees and water treatment operators, solid waste workers. The people who provided the public services that were relied on as a community every day. There were a lot of things to address in the presentation. There was a lot of minutia and a lot of complexity in the environment for recruitment and retention. They could spend all day, probably all week if they wanted to. Suffice it to say, the problems they wanted to address and talk about were competitive pay and starting pay. That was what they would try to do as they went through the brief presentation. Starting pay and competitive pay were two different things but they were kind of like two hands of a different person. They had to be cognizant of the employee who had been there a while, who had learned the roads, the ropes and who knew how to be a City employee. They also wanted to be cognizant that they were competing in that environment all the time when they hired new employees on the other hand and that pay had to be competitive. He had three case studies there to say why that needed to be but also to talk about studying future recruitment and retention to go into the complexity. Looking in the middle of the screen showed what motivated employees: organizational benefits – the pay and health insurance. There were also the relationships – comradery which could be seen in the room that night and that was a very positive thing. The City spent a lot of time on what was called workplace climate so that people got along and they felt part of something. They felt like they were providing a good service. That went into making a difference. There were a lot of people providing the services who wanted to make a difference. That was why they were there. Finally, they were all part of the community of Eden. They had family that went back generations perhaps or they were just new there. They wanted to be part of the community for a wide variety of very honorable and praiseworthy reasons. He wanted to present a few real-life scenarios pulled from the internet the day before. The top of the screen showed a competing agency's website job description for a solid waste equipment operator. The salary range was provided. The bottom showed the same job at the City with the salary range with an 11.4 percent difference. The difference had been calculated based on the divergence in that position. They could see that in a recruitment type scenario, if someone was only looking at dollars which were not the complete package but were a part of it, the City was about 11.4 percent lower than the competitor down the street in driving distance, not the same zip code but within driving distance internal to Rockingham County. The second one was a much wider divergence for a sheriff road deputy for the Rockingham County Sheriff's Office and pulled directly from their website. The difference to a posting for a police officer with the City was 18.7 percent. The third was a water/wastewater treatment plant trainee posting taken right from the website for the City of Reidsville. It was a trainee with no certification making higher than a City water treatment plant operator. An operator was a higher level, the trainee became an operator once certified. That difference was 6.7 percent. The pay disparity in the City compared to similar organizations within a close radius internal to Rockingham County. This was not only a problem of recruitment as you could see if you were applying for these jobs, it very easily could be a problem of retention. What he meant by that was if some of the positions paid more and that was the other hand to the person talking about recruitment, retention was that you had to pay enough to retain the people to do the valuable service work. In those three scenarios, you got a taste that it was not a law enforcement issue solely or solid waste problem solely or utility problem solely. It was really an endemic problem they were beginning to experience. They had talked about studying these things and coming up with a plan. There

was probably a need for a pay study. Internally, the City had done quite a bit of work on pay and the average divergence between City positions and county positions, Reidsville positions and state averages. It was no secret to anyone that a pay study was implemented by Rockingham County not more than 30 days before and a pay increase was implemented in Madison not more than seven days before. There was a lot of competition. It was not something that was created by this Council or the staff. It was the reality of what the other cities were doing. They had to look at what other cities were doing and why they were doing it, which was because they were feeling the same pressure if not more. At the jail or DSS or all those different agencies trying to provide public services but losing people, it was becoming a problem and it was endemic of a societal problem of labor and pay and that sort of thing.

Mr. Mendenhall said after all that background, he wanted to present information about the pay plan and how all that could be funded in a way that would revisit the last special called meeting they had and give some ranges of scenarios that really talked about some funding of all that so that it could be looked at on a numbers basis. A table was shown that was created on September 21. It was the crosswalk chart that talked about options and how much they would cost and the net cost, etc. That year, because it was not 100 percent of the year, it was pro rata cost. There were some savings there and anticipated potential future salary savings. They tried to allocate some funds to explain how that would be paid for. That plan as presented would use unallocated, unbudgeted sales tax revenue to pay for the general fund impacts and would also use some capital savings and one-time capital offset in the water/sewer impacts. The controlling factor was probably the water/sewer fund and not the general fund because they did not want to raise the water/sewer rates exorbitantly. There was quite a bit of unallocated sales tax that could remain in the general fund to pay but it could not cross that threshold. You could not use the water/sewer fund on the side. This got into an issue of sales tax, how it would be paid for, where would the money come from, which were all very good questions because they did not want to have a sustainability problem moving forward. They had looked at the sales tax going back in time. That went back right to the onset of the pandemic. He did not think they really had begun the lockdown situation until March 2020. They could see the sales tax revenue as they went down the line in time and it was compared in time. The last year, they received about \$5,064,713.02 in sales tax. They had budgeted very very conservatively for a number of years, at least the last two, so the budget was balanced at all times and so they did not presume more sales tax than they had so they had not escalated the sales tax budget for some time. They budgeted \$4,286,600. Since they are a non-profit, they budget revenues and budget offset expenditures so it was net zero. The revenue was already accounted for in an expense line somewhere in the general fund. The difference between the \$5,064,713 and \$4,286,600 was an unbudgeted amount in the primary stream of what they were calling pot number two. The money was not budgeted, there was no offsetting corresponding expense – it was straight revenue to the general fund. In pot two of the unbudgeted money, they had \$778,113. It got better. In the February and March timeframe when the City did their budget, the League came out with revenue projections and they projected the City should increase their sales tax by 3.75 percent. The City was very very concerned about a recession so they came up with a concept of recessionary buffering on a couple different bases – one that they were not going to escalate sales tax 3.75 percent. They were not going to escalate any. They were already building in the budgeting that the sales tax may drop off. They had that already moving into the budget. Except for the fact that the League and the City were both wrong. The City's sales tax take between July and August went up an average of 12.375 percent. It was about 14.41 percent in July and 10.34 percent in August. They could spend a lot of time to try and figure out why the League and City were both wrong. Part of it, they thought, was that baked in that 12.375 number was 8.79 percent inflation. If they added 8.5 to 3.75, they were beginning to get very close to 12.375. That was what they thought although there was no way to know. The thought process was that if any person paid \$10 for a loaf of bread for instance, and the sales tax was 5 percent, and then they paid \$11 and the sales tax remained at 5 percent, the take on the sales tax was more in that scenario. What was happening was that when every person who consumed in Rockingham County went to the register, they were paying more for the bread and milk, etc. That inflation was passed through in sales tax so the City's sales tax kept rising proportionately to whatever the inflation rate was. The large surplus was coming through inflation as it was passed onto the consumer and the consumer was paying it accordingly. One caveat about recessionary buffering and budgeting was that in 2008 during the great recession, that loss over two years was 11.57 percent which was important because what they had now was a 12.375 percent increase and an 11.57 percent potential buffer against loss. The City would still be ahead so it did not really impact the \$778,113

number. That was the primary revenue stream. The secondary revenue stream was return on investment in the North Carolina Capital Management Trust in the funds the City had in trust there that exceeded \$10 million. It was about 2.77 percent and would total about \$344,000 at the end of the fiscal year. That would be the secondary revenue stream should the City need it and the sales tax fell off. Looking back in time, 2008 was the only time sales taxes had dropped and that was before sales tax reform. That was important because they really did not know how a recession would play into sales tax during a recession. In a recessionary environment, they really did not know how that was going to play with sales tax because what happened during sales tax reform was that people were paying more sales tax on more services now, like haircuts and mechanics and things like that which in 2008 people did not pay sales tax on. Being very smart, the General Assembly broadened the base, reduced the rate and made it a little bit more stable. There was a little bit of play there in the amount that the City was receiving over and above that could cover a recessionary outcome. He would be happy to answer any questions on a funding basis.

Council Member Ellis asked if what Mr. Mendenhall was saying was that the 9.5 percent was more or less a little too much to be able to maintain the City's current rates.

Mr. Mendenhall asked if Council Member Ellis was looking for a recommendation on what would be appropriate.

Council Member Ellis said yes.

Mr. Mendenhall said the night of the original presentation, 8 percent was recommended. Staff could run some numbers on 9.5 percent.

Council Member Ellis asked if it were possible to work the numbers for the lower earning employees to be paid more and the higher earning employees to be paid less.

Mr. Mendenhall said yes, it was possible. It went back to Council Member Ellis' first question, and with all due respect, Council took some action and there were a lot of things in the realm of possibility that could be studied. On a mathematical basis, a lot of things were possible. The City could possibly support up to 12 or 15 percent if need be but how they were going to pay for it was another thing. It could be possible, but being cognizant of the technicalities, they did not exist in a vacuum. They had the political, employee morale, prior things that had been said and done, those things all went into it holistically.

Council Member Ellis said for the employee morale and for the citizens, what was really important was the fact that employees had left the City to go to work other places. He said they were now maintaining the water plant with five or six people running it. He asked if that was correct.

Mr. Mendenhall said it was correct.

Council Member Nooe said that led to his question. If the slides pertaining to the police and fire departments were pulled back up, you could see a 10 percent increase from the bottom salary would still leave the job \$3,000 short. He asked what the purpose was of what they were trying to do now, if it was retention or cost of living. If they were looking at retention/recruitment, it needed a pay study. If they were looking at cost of living, they could look just at those numbers. He just needed to know where they were trying to get to that night. They did not have enough information needed from a study for recruitment/retention.

Mr. Mendenhall said that was correct. It went back to technical versus the other considerations. On strictly a numbers basis, the sheriff's department would look to be more competitive even with the 9.5 percent. The problem was they did not have all of the fringe benefits. The health insurance was much different – the City's plan was much richer than theirs as the City was self insured. At the sheriff's department, employees were working at the will of an elected official. There were a lot more civil service protections with the City. There were a lot of different things that went into that. It was a cost of living adjustment in an attempt to stop the bleeding so they

did not have such a wide disparity. That would make someone think if it was really worth \$3,000 to go down the road. If it was worth \$7,000 was a much harder argument to win. A difference of \$3,000, the City may could begin to bridge the gap with family atmosphere and a whole lot of other things going on that were positive.

Council Member Ellis questioned the funding for the 7 percent employees received in December.

Mr. Mendenhall said those were ARPA funds used to do that.

Council Member Ellis asked when the employees last had a considerable raise across the board prior to the 7 percent from Covid funding.

Mr. Mendenhall said they received \$500 in 2019.

Council Member Ellis said they were now trying to fill positions they needed like police and fire, especially with Purina coming in and what the City had said they could provide. They needed an economic developer to come in. They had discussed bringing in a business recruiter and his opinion had been it was a bad time. They had studied the increase and thought about it. It may have been a high number in the past. It was important for the citizens to realize what the men and women did. He had heard a comment that employees stand around. He could not say that. He noted to Ms. Biggs' comment regarding Stadium Drive, the City would keep working on it until they got it right. It was a great group of employees and he would stand up for them again. He thought they needed to have a raise that night. He said that he held highest regards for Council Member Moore. They had compared and done the numbers and come up with a good amount of money of 6.5 percent.

Council Member Hunnicutt told Mr. Mendenhall he appreciated his presentation. He wanted everyone to know he was absolutely in agreement and understood there was a significant gap between where the City's pay was versus the competition. He wanted everyone to understand. He was in favor of pay raises. They had to look at the whole picture. Just for clarity, he spent two hours earlier in the week with Ms. Gilley and Assistant City Manager Clint Simpson talking about it. Council had a closed session meeting the previous evening of nearly two and a half hours and they went around and around of what the options were. His main objection when Council voted two weeks before was where the City would get the money. That still had to be addressed. In looking at Mr. Mendenhall's chart and from the discussion the previous night, it clearly demonstrated it was kind of a buckshot approach to where they were at in the gaps. If he recalled the example used with the police officer was 18 percent. There were a roomful of policemen in the chambers and he addressed them as he told them they were underpaid and he understood that. The City was in a situation where they were approaching the danger zone of not being able to provide critical services. Police, water, sewer, all of that. He got it and he understood. It would be naïve of Council to just throw money at the situation and hoping it would stop the bleeding. He was absolutely in support of a pay raise but he did not think they had enough information that night to be able to address that. As Mr. Mendenhall had pointed out and just said the police department position was not really apples to apples. Those were the kinds of things they had to pay attention to – where the gaps were and where the real numbers needed to be. With all due respect, if they threw 6.5 percent at the police department, it would not really keep anyone there if there was still such a gap that they would go on to the sheriff's department anyway. If it turned out they needed to raise the police 15 percent and they could figure out how to pay for it, he was in favor of it absolutely. He wanted everyone to understand they also had a responsibility of trying to figure out the funding. He did not want to challenge anything someone had but he spent the better part of a day working through the numbers to try to understand and get it reconciled in his head as to where they were on it. He did not have an argument with the sales tax thing of about 750. He did need to throw in the caveat that they were not sure how much of that sales tax was really attributed to what was going on at Purina. Everyone needed to keep in mind that every nut, bolt and piece of equipment that went in at the plant had a sales tax with it. Sales tax was a one-time thing, so once that construction ended, that number may shrink back down. To Mr. Mendenhall's point and he wanted to reinforce that, that only went against the general fund. In looking at the numbers, whatever the salary was, roughly two-thirds or 69 percent, went to the general fund which left about 31 percent or about a third of it to the water and sewer. They had already given 7 percent less than 12 months ago and now they were talking

about, if he used Council Member Ellis' number, 6.5. He had run that number. It was a total of \$232,000 against the water/sewer. So just in the water and sewer, what they had already committed to versus 6.5 was about \$600,000 increase in water and sewer. If everyone understood, money could not be taken from the general fund and paid into the water and sewer fund. It had to be covered through either selling more water or an increase in water and sewer rates. People were already raising cane about an increase in the solid waste rates and he understood. Along with the gain, there was going to be some pain that was going to follow this thing. He did not think they were at the point of understanding where they needed to spend it, where the numbers really needed to be applied, versus what their opportunities were to fund it. He would say he thought currently the City had a generous savings account. He was prepared to sit down and talk about how they could start to pull some of that for the next five to ten years and applying it to the pay raise. His concern on it was they just did not have the answers on it. With all due respect to Council Member Ellis, he was not opposed to the 6.5 percent but it did not fix the problem. That was where he was on it. He would rather them try to spend another week or two and try to come up with a business plan to appease everyone there. He thought even the opposition said they understood there were some gaps that needed to be worked on. He was just not convinced that night they had all of the information they needed to know how much the raises needed to be, where they needed to be, or even filled in the questions of where the City was going to get some money. That was where he stood.

Council Member Ellis said he had been working with the men and women for about 15 years as he served on Council. The fact was there had never been a time when they stepped backwards. Council had always stepped forward for the City. He remembered when the men had worked night after night on the culvert that they put under Bridge Street. The police department had put in many nights and many hours working on shootings. The 6.5 might not be what they needed but it was a starting point for the employees right now. The City had never went backwards, ever. They were now stepping forward like what they had done at Berry Hill. Taxes had not been increased in 15 years. The important point was that they needed to keep the men and women on the job. Council was either in favor for it, or not in favor of it.

Council Member Underwood said as he had said before, they were a great group of employees who did a top notch job for the citizens. He felt they should be compensated now.

A motion was made by Council Member Underwood to give a 6.5 percent cost of living raise and two additional vacation days for all employee salaries as well as adjusting the pay grades accordingly. Council Member Ellis seconded the motion.

Council Member Hunnicutt asked what was meant by adjusting pay grades.

Ms. Gilley advised she thought the motion was based on the motion from the recommendation of the manager at the last meeting with the pay grades adjusted to the amount of the raise. She asked Mr. Mendenhall if that was correct.

Mr. Mendenhall said yes. The idea was if they moved employees, they should not be penalized by being topped out in their range. The employee should move and the range should move, so they retained the employee and if they were trying to hire a police officer I or equipment operator II or whatever, that starting pay would have escalated to reflect the value of that job today with inflation or whatever was going on in the world.

Mayor Hall asked Council Member Hunnicutt if that answered his question. The pay grades would change that same amount.

Council Member Moore said if they approved the 6.5, they needed to look at what they could pull out to possibly make the people right because they deserved every penny they could be given. He hoped they made sure to do that.

Mayor Hall asked Ms. Gilley to clarify that Council Member Moore would not have a conflict if he voted on the motion.

Ms. Gilley said that was correct, not according to the substantial interest.

Council Member Epps said every one of the City people he had worked with had been a pleasure to work with. He hoped at next year's retreat, they could sit down and come up with some kind of scale ... ideas of how to handle raises in the future. When he worked for HUD, he was reviewed annually. Sometimes he was given a lot and sometimes a little. It was according to his abilities based on what his job description was. They needed to get the salaries back in line. They had been out of kilter for a while. He had been on Council for 21 years. He was in favor of sitting down at the retreat in February and working out a plan for all employees to be on a schedule about their raises and situations. He did not want employees to go to bed at night and worry where their groceries were going to come from. That was rough. Fortunately, some of them were better off than others. There were employees on food stamps. That should never have to happen if the City were paying enough money. He agreed and would go along with the 6.5 that was discussed. Hopefully next year everyone would be happier with some decisions that were made.

Council Members Epps, Moore, Ellis, Nooe and Underwood voted in favor of the motion to give a 6.5 percent cost of living raise and two additional vacation days for all employee salaries in addition to adjusting the pay grades accordingly. Council Members Hunnicutt and Kirkman voted against the motion. The motion carried 5-2.

Council Member Underwood said they had talked about a study. He thought Council Member Nooe had suggested that. He would like to see a study done too, to see where they actually stood. He thought once the study was completed it would show where the City was at and where it really needed to be for the employees who did the services for the City. He told the employees in the audience that he was for them and appreciated them.

NEW BUSINESS:

- a. Consideration to adopt an ordinance for the demolition of a structure at 2049 Mill Ave. under Article 9 of the Unified Development Ordinance.

Ms. Stultz wrote in a memo: Attached you will find a section of the Human Habitation Standards in Article 9 of the Unified Development Ordinance relating to the steps to be taken when an owner fails to comply with an order to repair or demolish. Also attached is a copy of the Complaint and Notice of Hearing which sets out the violations found at the initial inspection and a copy of the Findings of Fact and Order. The City of Eden Human Habitation Standards and the enabling legislation permit the City Council, upon adoption of an Ordinance, to order the repair or demolition of the structure. Four (4) bids were submitted to this department as follows:

Rabco Inc of NC \$ 4,990.00
Coastal Carolina \$ 5,400.00
Loye Grading \$ 5,800.00
Sam W. Smith, Inc. \$10,250.00

Staff recommends that Rabco Inc. of North Carolina be awarded the bid for the demolition of the house with the lowest bid being in the amount of \$4,990.00. Once the demolition is done at the City's expense, actions can be taken to recoup the funds in the same manner as the collection of special assessments. Special assessments are a lien only on the property in question. That means the best remedy available to us is foreclosure. There is no guarantee that these funds can be recovered.

Mayor Hall called on Ms. Stultz.

Ms. Stultz said she had a permit that had been issued to the property owner who said he was going to repair the home. Staff made a decision to go ahead and ask Council to authorize them to demolish the property if the owner did not repair it. Looking at the memo, the lowest price was Rabco of North Carolina at \$4,990. They would not move on that until they had exhausted all possibilities of getting the property owner to do it himself.

Mayor Hall asked when the permit was issued.

Ms. Stultz said October 7, so he had not had much time to do anything yet.

Mayor Hall said if the item would normally be tabled or if the property owner should be given an amount of time.

Ms. Stultz said it was very unusual for anyone to come in at that late a date and get a permit. It was demolition of a mobile home by a contractor. They were going to demolish it themselves. They would have to do that in the allotted time.

Mayor Hall asked what the allotted time was.

Ms. Stultz advised at least three months.

Council Member Underwood said he did not understand why they were cleaning up something outside the city limits.

Ms. Stultz said this was routinely done from time to time. The City had the authority to do it and had done it a number of times.

Council Member Underwood said it was the first one he had dealt with. He did not think the City should go outside the city limits and clean up the county's mess.

Ms. Stultz said it was not the county's mess because it was within the City's ETJ and state statute made it the City's problem.

A motion was made by Council Member Epps to give the property owner 90 days to demolish the property and if they did not do so, the ordinance was adopted for the demolition of a structure at 2049 Mill Avenue and to award the bid to Rabco, Inc., for the demolition for \$4,990. Council Member Ellis seconded the motion. The motion carried 7-0.

AN ORDINANCE AND ORDER FOR THE DEMOLITION OF PROPERTY AT 2049 MILL AVENUE,
EDEN, NORTH CAROLINA

--- in effect after 90 days if the property owner fails to demolish the property ---

THIS ORDINANCE is issued pursuant to the provisions of North Carolina General Statutes §160D, Article 4 and Article 9 of the City of Eden Unified Development Ordinance.

WHEREAS, on the 14th day of April, 2022, the Director of the Planning and Community Development Department caused an examination of the dwelling owned by Brenn Andrew Hill at 2049 Mill Avenue, Eden, North Carolina and found it to be unfit for human habitation, that said property is more particularly described as follows:

BEGINNING at an iron in the north right of way line of Mill Street, said iron being located North 71 deg. 30 min. West 265.33 feet and North 76 deg. 50 min. West 106.03 feet from the intersection of the North right of way line of Mill Street by the West right of way line of Sunset Drive and said iron marking a common front corner for Lots 15 and 16 as shown on a plat of survey of lots for R. A. King, by Shanks & Wilmarth, Engineers & Surveyors, dated October 15, 1960; thence with the North right of way line of Mill Street, North 76 deg. 50 min. West 100.00 feet to an iron, a common front corner for Lots 14 and 15; thence with the dividing line between Lots 14 and 15, North 13 deg. 10 min. East 200.00 feet to an iron, a common rear corner of Lots 14 and 15; thence South 76 deg. 50 min. East 100.00 feet to an iron, a common rear corner for Lots 15 and 16; thence with the dividing line between Lots 15 and 16, South 13 deg. 10 min. West 200.00 feet to the point of beginning, the same being Lot No 15 as shown on the aforesaid plat of survey, to which survey reference is hereby made for a more complete description. For further reference see Deed Book 937, Page 916, Rockingham County Registry. For title reference, see Book 1297, Page 365, Rockingham County Registry.

The above described property being more commonly known as 2049 Mill Avenue, Eden, North Carolina, and being further identified by the Rockingham County Tax Dept. as PIN 8000-05-09-7797-00; Parcel No. 146845.

WHEREAS, on the 27th day of April, 2022, the Director caused to be issued a Complaint and Notice of Hearing for the 11th day of May, 2022, which was served on the property owners by first class mail and certified mail, return receipt requested; the certified mail and first class mail was returned by the U. S. Postal Service marked "Attempted – Not Known;" the Complaint and Notice of Hearing was posted on the subject property on the 29th day of April, 2022; and

WHEREAS, the hearing was held on the 11th day of May, 2022, and the Director subsequently issued an Order to repair, alter, improve or vacate and demolish the dwelling located on the property; and

WHEREAS, a copy of the Order was served on the property owner by first class mail and certified mail, return receipt requested, which was received on the 25th day of May, 2022; and

WHEREAS, the property owner did not appeal the Order and, pursuant to Article 9, Section 9.02(K)(2) of the City of Eden Unified Development Ordinance, a copy of the order has been mailed to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notice; and

WHEREAS, the Owner has had a reasonable opportunity to bring the property into conformity with Article 9, Section 9.02 of the City of Eden Unified Development Ordinance and he has failed to take any action to comply with the Director's Order.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Eden that the Director is hereby ordered to proceed to effectuate the purpose of the Human Habitation Standards set out in Article 9, Section 9.02 of the City of Eden Unified Development Ordinance with respect to the property described above by demolishing the structures located thereon.

IT IS FURTHER ORDERED that a certified copy of this Ordinance and Order shall be recorded in the Office of the Register of Deeds of Rockingham County, North Carolina, and indexed in the name of Brenn Andrew Hill in the Grantor and Grantee index.

IT IS FURTHER ORDERED that the amount of the cost of demolishing the dwelling by the Director shall be a lien against the real property upon which the cost was incurred, said lien shall be filed, have the same priority, and be collected as the lien for special assessment provided by North Carolina General Statutes Chapter 160D, Article 10.

APPROVED, ADOPTED AND EFFECTIVE, this 18th day of October, 2022.

CITY OF EDEN

By: Neville Hall, Mayor

Attest: Deanna Hunt, City Clerk

- b. Consideration to adopt an ordinance for the demolition of a structure at 204 N. Hamilton St. under Article 9 of the Unified Development Ordinance.

Ms. Stultz wrote in a memo: Attached you will find a section of the Human Habitation Standards in Article 9 of the Unified Development Ordinance relating to the steps to be taken when an owner fails to comply with an order to repair or demolish. Also attached is a copy of the Complaint and Notice of Hearing which sets out the violations found at the initial inspection and a copy of the Findings of Fact and Order. The City of Eden Human Habitation Standards and the enabling legislation permit the City Council, upon adoption of an Ordinance, to order the repair or demolition of the structure. Four (4) bids were submitted to this department as follows:

Coastal Carolina \$ 5,400.00
Loye Grading \$ 5,800.00
Rabco Inc of NC \$13,800.00
Sam W. Smith, Inc. \$21,500.00

Staff recommends that Coastal Carolina Custom Contractors be awarded the bid for the demolition of the house with the lowest bid being in the amount of \$5,800.00. Once the demolition is done at the City's expense, actions can be taken to recoup the funds in the same manner as the collection of special assessments. Special assessments are a lien only on the property in question. That means the best remedy available to us is foreclosure. There is no guarantee that these funds can be recovered.

Mayor Hall called on Ms. Stultz.

Ms. Stultz said the property was in a residential neighborhood and an unsafe situation. Staff recommended it be demolished. The low bidder was Coastal Carolina for \$5,400.

Minutes of the October 18, 2022 meeting of the City Council, City of Eden:

Mayor Hall pointed out a typo on the memo that said \$5,800 and it was \$5,400.

Ms. Stultz agreed that was a typo. She recommended that they proceed with having it demolished.

Council Member Nooe asked how long it would be before the City could sue for repayment of costs.

Ms. Stultz said the way it worked was it would be brought back for legal action and up to the city attorney. She and her staff would have to file to foreclose it.

Ms. Gilley said the best way to recover money in that instance was to foreclose on the action and that was what they normally did unless there were substantial funds of the property owner and then they could look at other avenues such as garnishments and wage withholdings if they could possibly find those. If not, the best way to do it was the foreclosure of the property.

Ms. Stultz said in recent months they had sold the last of the properties they held like that and had questions almost on a weekly basis from people wanting to know if the City had anything else to sell.

A motion was made by Council Member Moore to adopt an ordinance for the demolition of a structure at 204 N. Hamilton St. and to award the bid to Coastal Carolina Custom Contractors for the demolition for \$5,400. Council Member Nooe seconded the motion. The motion carried 7-0.

AN ORDINANCE AND ORDER FOR THE DEMOLITION OF PROPERTY AT 204 N. HAMILTON STREET,
EDEN, NORTH CAROLINA

THIS ORDINANCE is issued pursuant to the provisions of North Carolina General Statutes §160D, Article 4 and Article 9 of the City of Eden Unified Development Ordinance.

WHEREAS, on the 21st day of April, 2022, the Director of the Planning and Community Development Department caused an examination of the dwelling owned by Mary Rebecca Moxley at 204 N. Hamilton Street, Eden, North Carolina and found it to be unfit for human habitation, that said property is more particularly described as follows:

BEGINNING at an iron set in the East margin of Hamilton Street, said iron being located North 00 deg. 39 min. East 221.12 feet from the iron marking the Northeast intersection of Hamilton Street and Tuttle Street (closed April, 1973); thence from the Point of Beginning South 89 deg. 21 min. East 186.6 feet to an iron which also marks the Northeast corner of Lot 3; thence a new line North 00 deg. 39 min. East 90 feet to a point; thence another new line North 89 deg. 21 min. West 186.6 feet to a point in the East margin of Hamilton Street; thence with the East margin of Hamilton Street, South 00 deg. 39 min. West 90 feet to an iron, THE POINT AND PLACE OF BEGINNING and being a part of Lot 4 and the Southwestern most 20 feet by 186.6 feet portion of Lot 5 as per Subdivision of Hamilton Street Property (Home Tract) made for Dr. and Mrs. A. F. Tuttle by W. T. Combs, Jr., C.E., May-September, 1951. The above described property being more commonly known as 204 N. Hamilton Street, Eden, North Carolina, and being further identified by the Rockingham County Tax Dept. as PIN 7070-14-24-9386-00; Parcel No. 106052.

WHEREAS, on the 27th day of April, 2022, the Director caused to be issued a Complaint and Notice of Hearing for the 11th day of May, 2022, which was served on the property owner by first class mail and certified mail, return receipt requested; the certified mail was received on the 3rd day of May, 2022; the Complaint and Notice of Hearing was posted on the subject property on the 29th day of April, 2022; and

WHEREAS, the hearing was held on the 11th day of May, 2022, and the Director subsequently issued an Order to repair, alter, improve or vacate and demolish the dwelling located on the property; and

WHEREAS, a copy of the Order was served on the property owner by certified mail, return receipt requested, and first-class mail; the certified mail was returned by the U. S. Postal Service marked "Unclaimed;" and

WHEREAS, the property owner did not appeal the Order and, pursuant to Article 9, Section 9.02(K)(2) of the City of Eden Unified Development Ordinance, a copy of the order has been mailed to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notice; and

WHEREAS, the Owner has had a reasonable opportunity to bring the property into conformity with Article 9, Section 9.02 of the City of Eden Unified Development Ordinance and she has failed to take any action to comply with the Director's Order.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Eden that the Director is hereby ordered to proceed to effectuate the purpose of the Human Habitation Standards set out in Article 9, Section 9.02 of the City of Eden Unified Development Ordinance with respect to the property described above by demolishing the structures located thereon.

IT IS FURTHER ORDERED that a certified copy of this Ordinance and Order shall be recorded in the Office of the Register of Deeds of Rockingham County, North Carolina, and indexed in the name of Mary Rebecca Moxley in the Grantor and Grantee index.

IT IS FURTHER ORDERED that the amount of the cost of demolishing the dwelling by the Director shall be a lien against the real property upon which the cost was incurred, said lien shall be filed, have the same priority, and be collected as the lien for special assessment provided by North Carolina General Statutes Chapter 160D, Article 10.

APPROVED, ADOPTED AND EFFECTIVE, this 18th day of October, 2022.

CITY OF EDEN

By: Neville Hall, Mayor

Attest: Deanna Hunt, City Clerk

- c. Consideration to adopt an ordinance for the demolition or repair of a structure at 246 The Boulevard under Article 9 of the Unified Development Ordinance.

Ms. Stultz wrote in a memo: Attached you will find a section of the Non-Residential Building Maintenance Standards in Article 9 of the Unified Development Ordinance relating to the steps to be taken when an owner fails to comply with an order to repair or demolish. Also attached are copies of the Complaint and Notice of Hearing which sets out the violations found at the initial inspection and copies of the Findings of Fact of Unsafe Non-Residential Building or Structure and Findings of Fact and Order to Take Corrective Action. The City of Eden Non-Residential Building Maintenance Standards and the enabling legislation permit the City Council, upon adoption of an Ordinance, to order the repair or demolition of the structure. This department was asked to request bids for the demolition of the building and the cost of constructing a vanilla shell. Two (2) bids were submitted to this department as follows:

| Company | Demolition Bid | Vanilla Shell Bid |
|-------------------------------------|----------------|-------------------|
| Coastal Carolina Custom Contractors | \$27,300 | \$183,000 |
| Brad Fisher Landscapes, Inc. | \$29,500 | \$220,000 |

Staff recommends that Coastal Carolina Custom Contractors be awarded the bid for the demolition of the structure with the lowest bid being in the amount of \$27,300 in order to abate the violation and stop the damage to the adjoining buildings. We also request your guidance on constructing a vanilla shell for future use of the building. If the City authorizes the demolition or construction of a vanilla shell at the City's expense, actions can be taken to recoup the funds in the same manner as the collection of special assessments. Special assessments are a lien only on the property in question. That means the best remedy available to us is foreclosure. There is no guarantee that these funds can be recovered.

Mayor Hall called on Ms. Stultz.

Ms. Stultz said over the last year or so, they had begun to talk about affirmative maintenance and preventing the destruction of certain buildings. What they had done with this building, because it was in one of the traditional downtown areas, was seek bids to demolish and to create what Chief Codes Inspector Bob Vincent called a vanilla shell in hopes that someone else could come back and rework the building and it could be viable again. As they could see, the bids for the vanilla shell were an awful lot of money. The building next door to this one was getting water in it on a routine basis due to the way the roof issues were and it was an occupied business. Staff recommended Coastal Carolina get the demolition bid for \$27,300.

Council Member Moore said the owner was not doing anything then.

Ms. Stultz said Mr. Vincent had talked to him several times over a long period of time and the owner said he was going to do something but then did not.

Minutes of the October 18, 2022 meeting of the City Council, City of Eden:

Council Member Ellis asked if the property owner who was getting the water damage was at the meeting. He asked the property owner, Clayton Kriechbaum, how long the damage had been going on.

Mr. Kriechbaum stood and said since the early part of the year. *The rest of his comments were indiscernible as he was speaking from the audience.*

Mayor Hall said they needed to consider what they had run into on Washington Street a number of years ago with the engineering between the buildings. He asked if the demolition costs covered their liability for engineering.

Ms. Stultz said to her knowledge yes. If not, she would be back.

Council Member Kirkman said that his question. He asked if they would be able to guarantee the structural integrity of the two buildings on either side.

Mr. Kriechbaum stood again and said the back part of the building in question had caved in toward the street so there could be some engineering problems involved.

Mayor Hall said the staff recommendation was the demolition by Coastal Carolina but there were three other options. They could demolish and then build a vanilla shell. He asked if there was any interest in doing a vanilla shell build out.

It was the consensus of Council that there was not.

A motion was made by Council Member Nooe to adopt an ordinance for the demolition of a structure at 246 The Boulevard and to award the bid to Coastal Carolina Custom Contractors for the demolition for \$27,300. Council Member Ellis seconded the motion.

Mayor Hall said if there were structural questions about it, it needed to be looked into. They did not want to get a situation where they had to buy three buildings.

Ms. Gilley said it was not the first time they had the issue and what they had done with the other building was have the language in the contract that required the contractor to take additional steps for that. That was the plan and intent on this contract when it was let was to do that.

Council Member Moore asked if the contractor had to be bonded for that stuff.

Ms. Gilley advised they did. It would be taken care of on a legal end.

All members voted in favor of the motion to adopt an ordinance for the demolition of a structure at 246 The Boulevard and to award the bid to Coastal Carolina Custom Contractors for the demolition for \$27,300. The motion carried 7-0.

AN ORDINANCE AND ORDER FOR THE DEMOLITION OF THE BUILDING AT 246 THE BOULEVARD,
EDEN, NORTH CAROLINA

THIS ORDINANCE is issued pursuant to the provisions of North Carolina General Statutes §160D-1129 and Article 9, Section 9.04 of the City of Eden Unified Development Ordinance.

WHEREAS, on the 8th day of March, 2022, the Director of the Planning and Inspections Department caused an examination of structure owned by Ninth Properties, LLC at 246 The Boulevard, Eden, North Carolina and found it to be unsafe and defective, that said property is more particularly described as follows:

BEGINNING at a point on the North side of the Boulevard, the center of a plastered wall; thence through the plastered wall North 43 deg. 38 min. East 147.7 feet to Wilson Alley; thence with Wilson Alley South 45 deg. 7 min. East 16.7 feet to a stake, corner of lot formerly owned by Spray Drug and Chemical Company, now the property of Smith and Parker; thence with that line South 40 deg. 30 min. West 145 feet to the Boulevard; thence with the Boulevard North 51 deg. 15 min. West 25.2 feet to the place of BEGINNING.

The above described property being more commonly known as 246 The Boulevard, Eden, North Carolina, and being further identified by the Rockingham County Tax Dept. as PIN 7070-14-42- 6588-00; Parcel No. 106220.

WHEREAS, on the 28th day of March, 2022, the Director caused to be issued a Complaint and Notice of Hearing for the 11th day of April, 2022, which was served on the property owner by certified mail, return receipt requested on the 30th day of March, 2022, by first class mail and by posting on the subject property on the 28th day of March, 2022; and

WHEREAS, the hearing was held on the 11th day of April, 2022, and the Director subsequently issued an Order on the 27th day of April, 2022, to repair or demolish the property; and

WHEREAS, a copy of the Order was served on the property owner by certified mail, return receipt requested and by first class mail; the certified mail was returned by the U.S. Postal Service marked "Unclaimed;" and

WHEREAS, the property owner did not appeal the Order and, pursuant to Article 9 of the City of Eden Unified Development Ordinance, a copy of the order has been mailed to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notice; and

WHEREAS, the Owner has had a reasonable opportunity to bring the property into conformity with Article 9 of the Eden Unified Development Ordinance and it has failed to take any action to comply with the Director's Order.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Eden that the Director is hereby ordered to proceed to effectuate the purpose of the Non-Residential Building Maintenance Standards set out in Article 9, Section 9.04 of the City of Eden Unified Development Ordinance with respect to the property described above by demolishing the structure located thereon.

IT IS FURTHER ORDERED that a certified copy of this Ordinance and Order shall be recorded in the Office of the Register of Deeds of Rockingham County, North Carolina, and indexed in the name of Ninth Properties, LLC in the Grantor and Grantee index.

IT IS FURTHER ORDERED that the amount of the cost of demolishing the dwelling by the Director shall be a lien against the real property upon which the cost was incurred, said lien shall be filed, have the same priority, and be collected as the lien for special assessment provided by North Carolina General Statutes Chapter 160D, Article 11.

APPROVED, ADOPTED AND EFFECTIVE, this 18th day of October, 2022.

CITY OF EDEN

By: Neville Hall, Mayor

Attest: Deanna Hunt, City Clerk

REPORTS FROM STAFF:

- a. City Manager's Report.

Mayor Hall called on Mr. Mendenhall.

Mr. Mendenhall said he would be happy to answer any questions.

Mayor Hall said it was available online. There were extra copies available at the meeting and it would be published in Eden's Own Journal.

City Manager's Report
October 2022
City Manager Jon Mendenhall

ADMINISTRATION DEPARTMENT

Marketing & Communications Office

A huge thank you to everyone who came out and enjoyed RiverFest! It was one of the best yet! We are already working on our 20-year anniversary for 2023.

Mark your calendars now for Winterfest! Our date is set for Friday, December 2 in Grogan Park from 5:30 p.m. to 8:30 p.m. This is quickly becoming an Eden favorite that includes an outdoor movie, games and inflatables for kids, tree lighting, hot chocolate bar, s'mores bar, Brunswick stew, characters and more! We can hardly wait!

PARKS & RECREATION DEPARTMENT

Recreation Division

Bridge Street: In September, the Bridge Street Recreation Center had 650 visits by residents. Our seniors continue to have exercise classes as well as pickleball, shuffleboard, tennis games and lessons, and basketball (inside and outside). We still have school supplies if anyone needs any. Many seniors come to the facility early to fellowship with others and to eat a hot, hearty lunch Monday through Thursday. Meals On Wheels plates are picked up here each day and delivered to those who can't get to the center. The Morehead High School Girls Tennis team continues to use our tennis courts for practices since their courts are being resurfaced. Our center hours are: Monday through Thursday from 11 a.m. until 7 p.m. and on Friday 10 a.m. until 6 p.m.

Mill Avenue: We had 1,884 visits to the Mill Avenue Center by residents who participated in our activities. Those attending walked the track, played pickup basketball, played pickleball or played on the playground. Our morning pickleball begins at 8 a.m. on Mondays, Wednesdays and Fridays. Our cornhole league plays each Monday with almost 30 players participating. Staff continues to clean, sanitize, do floors and make minor repairs to the Recreation Center. Our center hours are: Monday through Thursday from 11 a.m. until 7 p.m. and on Friday 10 a.m. until 6 p.m.

Freedom Park: Our Park offers the parents an opportunity to walk while their children are practicing and also allows their younger siblings an opportunity to play on the playground or just run and have fun in the grass. There are more people beginning to utilize the new location of the dog park. The basketball courts continue to be a popular place for our teenagers and young adults. Our bocce court and volleyball courts are there for anyone who would like to play on them. We have noticed more children getting instructions on their swing at the batting cage. The shelters continue to be a popular spot as they were rented out a total of 17 times during the month. The Concert in the Park/Cruise In was held on September 24 with MacDaddy providing the entertainment. The Holmes Middle School Softball team played two home games on Field 3.

Senior Citizens: We had 1,019 visits during the month of September. In addition to our regular scheduled activities, we offered tech assistance, had training opportunities, took our seniors to Hamrick's in Greensboro for shopping, started our bocce league, shuffleboard practice, and a new walking group. Next month we are offering flu shots, taking our seniors to the Farmers Market and Moose Café in Colfax and shopping in Kernersville. We are planning a fun pickleball tournament along with the Madison Mayodan Recreation Department in the next few months. We have about 10 pickleball players and other sporting event participants and artists who are representing Rockingham County in the State Senior Games in Raleigh through October.

Youth Athletics: Our Prowler Football team hosted their first home game at Morehead High School on September 24. Our cheerleaders did an outstanding job cheering for our home team. All of our players, cheerleaders and coaches have worked hard this year.

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

Inspections Division

Inspection volume picked up in the month of September with 286 inspections being made. The Purina project is rapidly progressing with new areas being occupied by employees. The Spray Cotton Mill project is still in the demolition phase and moving along at a steady pace. The Strata Solar Farm project is nearing completion. It is expected to be finished by month's end. The permit for the new Dollar General is ready to be issued with construction scheduled to begin by the end of October. It will be located at 5051 NC Hwy 14 (corner of Town Creek Rd. and NC Hwy 14). The Rockingham County Tax Department collected \$92.95 and the City of Eden collected \$100.00 in code enforcement fees in the month of September.

Community & Economic Development Division

COVID-Draper: The Rehab Specialist with the Piedmont Triad Regional Council has completed the inspections on the first four houses that will be rehabbed. As soon as we receive his work write-up, we will begin requesting bids. We are still working with two homeowners to verify their income in order to proceed. We have also requested the City Attorney to provide a title search for these two properties. COVID-Fire Station 2: Bids were also received for the renovation of Eden Fire Station No. 2.

Planning Division

Department staff met with Stewart Consulting virtually on September 7 to discuss and update all parties on the Draper Small Area Plan progress.

Boards & Commissions Update: The Historic Preservation Commission met for the month of September and discussed various related topics, including the Norman Woodlief mural designation project update. The Community Appearance Commission will meet October 11 to finalize location specifications for the Welcome to Draper sign. The invoice has been fully paid, and the main portion of the sign is completed and is being stored at the City Shop on Klyce Street until ready for installation. The Eden Downtown Development Inc. (EDDI) had its monthly meeting on September 12, and board members nominated several well deserving individuals, ultimately voting Janis Hopkins-Wade, of the Twisted Biscuit, as Eden's North Carolina Main Street Champion. With the assistance of City staff, the EDDI board members also nominated and submitted the special events of RiverFest and Oink & Ale for the category of Best Downtown Special Event or Event Series for the North Carolina Main Street Awards.

POLICE DEPARTMENT

Tait radios have been ordered consistent with the capital plan (\$292,722) to replace all existing 800mhz radios with the TDMA compliant 800mhz radios. These radios should arrive late November-early December. We should have the portable units fielded within two weeks of delivery. The mobile units should be installed by mid-January. We are meeting with Tait representatives October 11 to discuss the programming of these radios. Jason Wood (Rockingham County 911 Communications) will be present during this meeting to ensure the programming is compliant with state and federal mandates. Three FORD F-150 Police Responders have been ordered. There is a tentative build window of November 2022 thru February 2023.

DEPARTMENT OF PUBLIC WORKS

Water Resources: The annual sewer report is complete and available on the City of Eden website.

b. Report on advisory committee proceedings.

(1) Strategic Planning Commission.

Mayor Hall called on Staff Advisor Cindy Adams.

Ms. Adams advised she had nothing to report.

(2) Planning Organization Boards.

Mayor Hall called on Ms. Stultz.

Ms. Stultz advised she had nothing to report.

(3) Parks Commission.

Mayor Hall called on Staff Advisor Terry Vernon.

Mr. Vernon said football was about two-thirds of the way finished for the season. The flag team was 3-1. They did well that first game and had gone down ever since. They played the number one team – Southeast – that past week and only lost by two touchdowns so they were competitive, they just were not winning.

Council Member Ellis said they learn how to play ball and they learned from the ground up. They were learning the basics about football and everybody did not have to take a trophy home to win.

Mr. Vernon said that was exactly right.

Council Member Underwood said they were doing a lot better than they had been.

Mr. Vernon said the 8U team were 3-0 up until the last weekend when they lost by a pretty big score. The Prowlers had one or two good ball players and that team had four or five. The 10U team had struggled a little bit. They were 1-3 on the year. The 12U team was 2-2. They had lost some players, some had quit. The players who had stayed on the team were pretty strong and getting to play the whole game. They beat Southeast by about three touchdowns that past Saturday so they were doing pretty good. They did not have to have a whole lot of numbers sometimes but it did pay when they had good, natural athletes on their side. The cheerleaders were doing a good job cheering each and every game. They did have home ballgames the next two Saturdays. That Saturday they were hosting Reidsville at Morehead starting at 10, then 11, 12:30 and 2. He invited anyone who was not busy to come and support the players and coaches. Next weekend was a rain makeup with Northern Guilford. They would be at Morehead and they usually brought a good crowd. Game times were 10, 11, 12:30 and 2. October 29 would be a Halloween carnival at shelter one at Freedom Park. That was always a big deal. They would have inflatables, face painting, hula hoop contest, cake walk and a lot of music. Kids really enjoyed it. The highlight of the day was a costume contest and all the kids really enjoyed it. It would be from 2-5. The cornhole league continued every Monday night. They had over 20 players who were participating regularly. There were about eight women's volleyball teams who would start play the first Monday in November at the Mill Avenue Recreation Center. That was a lot of volleyball in one week. The women were ready to get out and were competitive. He invited people to come out and watch and fellowship. Basketball registration had started and there had been 20 or 30 sign up online the day before. Registration would run through Oct. 28 and hopefully there would be enough players to play. They always played against the Boys and Girls Club and the YMCA if they wanted to play. It would be Prowlers basketball as they had done to baseball and football. Hopefully they would draw players from those two sports into the basketball. They were taking any coaches who were interested in helping out. First thing that had to be done was to pass a background check and then they would go from there. They were also having a free basketball camp to start the season on Saturday, November 5 at the Mill Avenue gym from 7 to 9 p.m. It was absolutely free. Hopefully they would get some coaches down there with some know how to cover the skills and fundamentals of basketball.

CONSENT AGENDA:

- a. Approval and adoption of the (1) September 20, 2022 and (2) October 3, 2022 Council meeting minutes.
- b. Approval and adoption of a plan to reorganize the Police and Fire Departments.

This item was pulled from the agenda.

- c. Approval and adoption of a resolution to donate a decommissioned livescan fingerprint machine to Rockingham Community College.

Chief Simpson wrote in a memo: The Police Department owns a Safran Group Morphotrac LiveScan fingerprint machine manufactured in or around 2008. The manufacturer's standard expected life of this machine has outlived the manufacturer's warranty. The LiveScan unit has been decommissioned and is of no use or value to the City of Eden, Eden Police Department or the citizens. Staff would like to donate this LiveScan Machine to the Rockingham County Community College Basic Law Enforcement Training program (RCC BLET) program for training new BLET students pursuant to state statute NCGS §160A-280. The RCC BLET program also understands that the City of Eden in no way guarantees the quality, fitness of purpose or effectiveness of this machine, and in no way does the City of Eden endorse this type or brand of fingerprinting equipment. The City has obtained a release of liability from RCC BLET program and has posted a notice of this Resolution at City Hall according to state law. We recommend that you adopt the Resolution to donate this LiveScan Fingerprint Print

Minutes of the October 18, 2022 meeting of the City Council, City of Eden:

Machine to RCC BLET program for training purposes at your October City Council meeting. Please contact me for any questions or concerns.

NOTICE OF RESOLUTION TO DONATE PERSONAL PROPERTY

WHEREAS, the City of Eden Police Department owns a Safran Group Morphotrac LiveScan fingerprint machine manufactured in or around 2008 that that has outlived the manufacturer’s warranty, hereinafter referred to as “the property”; and

WHEREAS, the City of Eden Police Department has decommissioned the LiveScan unit, rendering it of not use or value to the City of Eden; and

WHEREAS, the City of Eden recognizes that the property has been rendered surplus, and unused; and

WHEREAS, the City of Eden desires to donate this aforementioned surplus and unused property to Rockingham Community College for its Basic Law Enforcement Training Program, pursuant to N.C.G.S. §160A-280; and

WHEREAS, the City of Eden in no way guarantees the quality, fitness of purpose or effectiveness of this property, and in no way does the City of Eden endorse this type or brand of apparatus, and the City of Eden has made this disclaimer known to the Rockingham Community College and has obtained a waiver of claims and liabilities from each institution; and

WHEREAS, the City of Eden has caused a Notice of Resolution to Donate Personal Property to be posted at City Hall for at least 5 days prior to the adoption of this Resolution; and

WHEREAS, the City of Eden desires to comply with all obligations of North Carolina law and to restrict this donation of the property to a public use that will benefit the public; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Eden that the Safran Group Morphotrac LiveScan fingerprint machine manufactured in or around 2008, be deemed surplus and unused and that it be donated to Rockingham Community College for its basic law enforcement program so long as it is being used by the Rockingham Community College in a way that it will benefit the public. In the event that the property ceases to be used for the public benefit, it shall revert to the City of Eden.

APPROVED, ADOPTED AND EFFECTIVE this 18th day of October, 2022.

CITY OF EDEN

By: Neville Hall, Mayor

Attest: Deanna Hunt, City Clerk

RESOLUTION TO DONATE PERSONAL PROPERTY

WHEREAS, the City of Eden Police Department owns a Safran Group Morphotrac LiveScan fingerprint machine manufactured in or around 2008 that that has outlived the manufacturer’s warranty, hereinafter referred to as “the property”; and

WHEREAS, the City of Eden Police Department has decommissioned the LiveScan unit, rendering it of not use or value to the City of Eden; and

WHEREAS, the City of Eden recognizes that the property has been rendered surplus, and unused; and

WHEREAS, the City of Eden desires to donate this aforementioned surplus and unused property to Rockingham Community College for its Basic Law Enforcement Training Program, pursuant to N.C.G.S. §160A-280; and

WHEREAS, the City of Eden in no way guarantees the quality, fitness of purpose or effectiveness of this property, and in no way does the City of Eden endorse this type or brand of apparatus, and the City of Eden has made this disclaimer known to the Rockingham Community College and has obtained a waiver of claims and liabilities from each institution; and

WHEREAS, the City of Eden has caused a Notice of Resolution to Donate Personal Property to be posted at City Hall for at least 5 days prior to the adoption of this Resolution; and

Minutes of the October 18, 2022 meeting of the City Council, City of Eden:

WHEREAS, the City of Eden desires to comply with all obligations of North Carolina law and to restrict this donation of the property to a public use that will benefit the public; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Eden that the Safran Group Morphotrac LiveScan fingerprint machine manufactured in or around 2008, be deemed surplus and unused and that it be donated to Rockingham Community College for its basic law enforcement program so long as it is being used by the Rockingham Community College in a way that it will benefit the public. In the event that the property ceases to be used for the public benefit, it shall revert to the City of Eden.

APPROVED, ADOPTED AND EFFECTIVE this 18th day of October, 2022.

CITY OF EDEN

By: Neville Hall, Mayor

Attest: Deanna Hunt, City Clerk

d. Approval and adoption of a resolution in support of the Rural Transformation Grant application.

Ms. Stultz wrote in a memo: Attached you will find a resolution concerning the Rural Transformation Grant. We are asking for your support of the application. If you have any questions, please let me know.

City of Eden Resolution Application for North Carolina Department of Commerce
Rural Transformation Grant Fund Rural Engagement & Investment Program
Eden Transformation Project

WHEREAS, the City Council of the City of Eden had indicated its desire to assist in development efforts within the City of Eden; and,

WHEREAS, the City Council fully supports the proposed Eden Transformation Project which will result in improvements to city streets, crosswalks and pedestrian facilities, publicly owned parking lots and public spaces in multiple downtown areas of the City; and,

WHEREAS, the City Council wished to pursue a formal application for the Downtown Revitalization Program category in the amount of \$950,000 from the North Carolina Department of Commerce, Rural Transformation Grant Fund, Rural Engagement & Investment Program; and,

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

That the City of Eden is authorized to submit a formal application to the North Carolina Department of Commerce, Rural Transformation Grant Fund, Rural Engagement & Investment Program in order to provide assistance to benefit the Eden Transformation Project.

That this Resolution shall take effect immediately upon its adoption.

Adopted this the 18th day of October, 2022, in Eden, North Carolina.

CITY OF EDEN

By: Neville Hall, Mayor

Attest: Deanna Hunt, City Clerk

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

ANNOUNCEMENTS:

Mayor Hall noted that they would jump on to announcements as the last item was Closed Session.

Council Member Epps was thankful for being able to work out something for the employees. They deserved it. If he had his way, they would have stuck with the 9.5. The law required they change that. The employees deserved everything they could get. He thanked them.

Council Member Ellis thanked Pastor Cox for coming to the meeting. It was the pastor's first time to a meeting. He welcomed and thanked him. It had been a more difficult meeting because they had talked money.

CLOSED SESSION:

To discuss economic development pursuant to NCGS 143.318.11(a)(4).

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

A motion was made by Council Member Epps to return to open session. Council Member Moore 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



Planning and Community Development Department

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

MEMO

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Kelly K. Stultz, AICP, Director
Subject: Collection of Nuisance Abatement Fees
Date: November 4, 2022

Beginning with the 2017/2018 fiscal year, all code enforcement fees that are delinquent on June 10 of each year are being sent to the Rockingham County Tax Department to be collected with the annual property tax assessment. Prior to that fiscal year, the code enforcement fees for demolitions and nuisances were brought to the City Council annually to establish these liens and have the Council authorize legal action.

This action is necessary for the City Attorney to file legal action to attempt to collect these fees.

The attached is a list of properties which have had nuisance violations abated by the City of Eden and the costs have been sent to the Rockingham County Tax Department for collection. (Copies of the invoices have been delivered to the City Clerk with the Order of Collection).

These particular liens are collected in the same manner as delinquent property taxes. We need for you to formally establish these liens and then to authorize legal action. When we appear in court, your formal action will be proven through the minutes.

Statutory authority for enforcement is found in NCGS 160D-404 and 160A-175.

STATE OF NORTH CAROLINA

CITY OF EDEN

To the Tax Collector of the City of Eden:

You are hereby authorized, empowered and commanded to collect the nuisance abatement fees, authorized by the North Carolina General Statutes to be collected as delinquent taxes, set forth in the invoices herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such nuisance abatement fees are hereby declared to be a first lien upon all real property of the respective taxpayers in the City of Eden, and this order shall be a full and sufficient authority to direct, require and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law. The statutory authority for enforcement is found in NCGS 160D-404 and 160A-175.

Witness my hand and official seal, this 15th day of November, 2022.

CITY OF EDEN

_____(SEAL)

Neville Hall, Mayor

ATTEST:

Deanna Hunt, City Clerk

2021 - 2022 Nuisance Fees

| Acct No. | Street No. | Street Name | Owner | Date Billed | Amount Billed |
|--------------|------------|----------------|--|-------------|------------------|
| 14 | 1607 | Meadow Rd E | Marion, Linda (mow) | 08/03/21 | 350.00 |
| 14 | 1607 | Meadow Rd E | Marion, Linda & Others (Mow/Yard Waste) | 03/31/22 | 175.00 |
| 14 | 1607 | Meadow Rd E | Marion, Linda & Others (Mow/Yard Waste) | 05/31/22 | 250.00 |
| 28 | 1116 | Center Church | Wilkerson, Rosabelle Heirs (mow) | 06/30/21 | 150.00 |
| 35 | 607 | Fieldcrest Rd. | Deboe, Elga (mow) | 06/30/21 | 250.00 |
| 35 | 607 | Fieldcrest Rd. | Deboe, Elga (mow) | 05/31/22 | 350.00 |
| 49 | 844 | Clarkway Drive | Ostwalt, Samuel O. (mow) | 08/03/21 | 250.00 |
| 79 | 631 | North St. | Sawyer, Justin W. (mow) | 06/30/21 | 350.00 |
| 91 | 721 | Patrick St. | Stroud, Porsha (mow) | 06/30/21 | 250.00 |
| 92 | 814 | Oak St. | TM Property Solutions, LLC (mow) | 06/30/21 | 350.00 |
| 99 | 422 | Price St. | Mozingo, Shaun Kyle & others (mow) | 06/30/21 | 350.00 |
| 103 | 1820 | Delaware Ave | Hamerski, Bohdan (mow) | 06/30/21 | 150.00 |
| 104 | 1420 | Price Rd | HS Nolen General Contractors (mow & remove junk) | 08/03/21 | 900.00 |
| 105 | 1220 | Front St | Liamani, Teresa Hill (mow) | 06/30/21 | 450.00 |
| 105 | 1616 | Mill Ave | Liamani, Teresa Hill (Junk removal) | 03/31/22 | 4,515.00 |
| 107 | 566 | Henry St. | Maul, Gary (mow) (DOD: 12/12/2017) | 06/30/21 | 415.00 |
| 108 | 805 | Martin St | Rey, Bennie Miriam Huff (mow) | 06/30/21 | 350.00 |
| 111 | 417 | Grove St | Walker, Dorothy (mow) | 06/30/21 | 150.00 |
| 128 | 913 | Central Ave | Hundley, Gary (mow) | 06/30/21 | 150.00 |
| 129 | 106 | Fieldcrest Rd | Fargis, Janice Jane (mow) | 06/30/21 | 150.00 |
| 129 | 106 | Fieldcrest Rd | Fargis, Janice Jane (mow) | 08/31/21 | 150.00 |
| 130 | 869 | Circle Drive | Scott, James D. (mow) | 06/30/21 | 150.00 |
| 131 | 1239 | Front St | Spear, Linda W. (mow) | 06/30/21 | 150.00 |
| 132 | 202 | Hairston St | Hampton, Alice Mae (mow) | 06/30/21 | 350.00 |
| 133 | 228 | Sunset Dr | Barbara Virzi Estate (mow) | 06/30/21 | 350.00 |
| 139 | 1320 | Fieldcrest Rd | Colina A. Millner Estate (remove junk) | 08/03/21 | 1,153.00 |
| 140 | 412 | Ewell St | Parker, Everett A. (mow & fill well) | 08/03/21 | 3,050.00 |
| 141 | 300 | Reservoir St | Jacques, Sylvian (mow) | 08/03/21 | 150.00 |
| 142 | 625 | Van Buren Rd S | Cole CV Eden NC LLC (mow) | 08/03/21 | 550.00 |
| 143 | 1020 | Washington St | Fulton, John Stephen (mow) | 08/03/21 | 150.00 |
| 157 | 1018 | Knott St. | Saunders, Andrea (bush hog) | 08/31/21 | 550.00 |
| 158 | 1008 | Maryland Ave | Estate of Mabel G Dillard (mow) | 08/31/21 | 350.00 |
| 160 | 1009 | Maryland Ave | Estate of Roosevelt Galloway (mow) | 08/31/21 | 350.00 |
| 178 | 1414 | South Ave | Sayre, Laura Ashley (mow) | 09/30/21 | 275.00 |
| 192 | 414 | Lake St | Stewart, Charles R. (mow) | 10/29/21 | 165.00 |
| 236 | 1127 | Stadium Dr E | Booth, Mark (Junk Removal) | 03/31/22 | 932.00 |
| 249 | | Ellerbe Ct | Covington, Darrell & Sharon (mow) | 05/31/22 | 350.00 |
| 251 | 723 | Spring St. | Kirkman, Myrtle Heirs | 05/31/22 | 400.00 |
| | | | | | |
| TOTAL | | | | | 19,880.00 |



Planning and Community Development Department

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

MEMO

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Kelly K. Stultz, AICP, Director
Subject: Collection of Demolition Costs
Date: November 4, 2022

The property at 617 Spring Street was the subject of a housing code action and the structure situated on the properties has been demolished pursuant to an Ordinance adopted by the Eden City Council. The cost of the demolition was \$7,150.00.

These particular liens are collected in the same manner as special assessments. We need for you to formally establish these liens and then to authorize legal action. When we appear in court, your formal action will be proven through the minutes.

CITY OF EDEN – MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL

THRU: JON MENDENHALL, CITY MANAGER

THRU: PAUL DISHMON, PUBLIC WORKS DIRECTOR

FROM: MELINDA WARD, UTILITIES MANAGER

DATE: NOVEMBER 15, 2022

SUBJECT: REQUEST TO COUNCIL FOR APPROVAL OF THE CAPITAL PROJECT ORDINANCE

The following is a Capital Project Ordinance for the future North Basin Project. We previously expected to receive a combination of grants and low interest loans with the City having to contribute a small portion of funds. Instead, we have received a Green Funding grant from the Division of Water Infrastructure and are anticipating an EDA grant from the U.S. Department of Commerce soon, which together will cover all of the expected costs. Dewberry will be the engineers handling the project.

The North Basin Project will consist of demolition of the existing structure and constructing new multiple basins that will be more efficient and effective for our changing flows. It will also allow us to be prepared for future nutrient limit requirements that are expected to be in place in the next 10 years.

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 rehabilitation of the North Aeration Basin at the Mebane Bridge Wastewater Treatment Plant to be financed by a Green Funding Grant from the Division of Water Infrastructure and a grant from the Economic Development Administration through the U.S. Department of Commerce.

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:

| | |
|--------------------------------|-------------------|
| Construction Cost | \$8,678,000 |
| Construction Contingency (10%) | \$ 868,000 |
| Engineering | \$ 780,000 |
| Inspection | \$ 185,000 |
| Geotechnical Investigation | \$ 22,000 |
| Legal Fees | \$ 5,000 |
| Administration | <u>\$ 110,000</u> |
| | \$10,648,000 |

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

| | |
|--|---------------------|
| Division of Water Infrastructure – Green Funding | \$ 9,148,000 |
| NC Department of Commerce – EDA | <u>\$ 1,500,000</u> |
| | <u>\$10,648,000</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 15th day of November 2022.

Neville Hall, Mayor

Certification

I, Deanna Hunt, the duly appointed Clerk to the City Council of the City of Eden, North Carolina, do hereby certify that the foregoing is a true and correct copy of which was adopted by the City Council at its regular meeting held on the 15 of November, 2022.

Deanna Hunt
City Clerk