

**EDEN CITY COUNCIL
REGULAR MEETING AGENDA
May 16, 2023 at 6 p.m.
Council Chambers, 308 E. Stadium Drive**

1. Meeting called to order by: Neville Hall, Mayor
2. Invocation: Pastor Merinda Easley, Shaw Christian Church
3. Pledge of Allegiance: Led by Leaksville-Spray Elementary School's Kickball Team 2
4. Proclamations and Presentations:
 - a. Proclamation: Public Works Week
 - b. Presentation: Eden Youth Council Projects. **Erin Gilley, City Attorney/Youth Council Advisor**
5. Roll Call
6. Set Meeting Agenda
7. Public Hearings:
 - a. Consideration to adopt the 2023-2024 Budget Ordinance. **Jon Mendenhall, City Manager**
 - b. (1) Consideration of a zoning map amendment request and adoption of an ordinance to rezone approximately 0.35 acres on N. Kennedy Avenue from Residential 12 to Business Highway. Zoning Case Z-23-01. **Kelly Stultz, Planning & Community Development Director**

(2) Consideration of a resolution adopting a statement of consistency regarding the proposed map amendment. **Kelly Stultz, Planning & Community Development Director**
 - c. (1) Consideration of a zoning map amendment request and adoption of an ordinance to rezone approximately 0.10 acres on Jay Street from Residential 12 to Business General. Zoning Case Z-23-02. **Kelly Stultz, Planning & Community Development Director**

(2) Consideration of a resolution adopting 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 the Certificate of Sufficiency and adoption of a resolution calling for a public hearing on the annexation petition of property located at 345 Wilshire Drive. **Kelly Stultz, Planning & Community Development Director**
 - b. Consideration to adopt a resolution to approve the City-County utility agreement. **Erin Gilley, City Attorney**
10. New Business:
 - a. Consideration to adopt a resolution of intent to close an unopened section of Houchins Street. SC-23-01. **Kelly Stultz, Planning & Community Development Director**
 - b. Consideration to accept maintenance for Lark Street. **Kelly Stultz, Planning & Community Development Director**

11. Reports from Staff:
 - a. City Manager's Report. **Jon Mendenhall, City Manager**
12. Consent Agenda:
 - a. Approval and adoption of the (1) March 16, 2023 budget retreat, (2) April 18, 2023 regular, and (3) April 24, 2023 special Council meeting minutes. **Deanna Hunt, City Clerk**
 - b. Modernization efforts in administration. **Jon Mendenhall, City Manager**
 - c. Approval and adoption of a resolution declaring two lots off Dallas Street, Tax Parcel ID numbers 146823 and 146812Z1, surplus and authorizing the negotiated offer and upset bid process. **Erin Gilley, City Attorney**
 - d. Approval and adoption of a resolution declaring 101 Byrd Street, Tax Parcel ID number 169308, surplus and authorizing the negotiated offer and upset bid process. **Erin Gilley, City Attorney**
 - e. Approval and adoption of Budget Amendment #7. **Tammie McMichael, Finance and Personnel Director**
 - f. Approval and adoption of Budget Amendment #8. **Tammie McMichael, Finance and Personnel Director**
 - g. Approval and adoption of Budget Amendment #9. **Tammie McMichael, Finance and Personnel Director**
13. Announcements
14. Adjournment



**PROCLAMATION:
Public Works Week**

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the City of Eden and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are employees at all levels and are responsible for rebuilding, improving, and protecting our transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders and children in Eden to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2023 marks the 63rd annual National Public Works Week. Be it now proclaimed that, I, Mayor Neville Hall do hereby designate the week May 21–27, 2023 as National Public Works Week in the City of Eden; I urge all citizens to recognize the substantial contributions our public works professionals make to protecting our City’s health, safety, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand at the City of Eden, North Carolina this 16th day of May, 2023.

By:

Neville Hall, Mayor

Attest:

Deanna Hunt, City Clerk

City of Eden

NORTH CAROLINA



PROPOSED BUDGET

FY 2023-24

View the budget [here.](#)



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-23-01 – Approximately 0.35 acres on N. Kennedy Avenue**
Date: May 5, 2023

The City has received a zoning map amendment request filed by Martha Hopkins, Part Owner of Subject Property, to rezone approximately 0.35 acres on N. Kennedy Avenue. The request is to rezone the property from Residential-12 to Business Highway.

The Planning and Community Development Department recommends approval of the map amendment request. At a regular meeting in March, 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-23-01
Approximately 0.35 acres on N. Kennedy Avenue

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 Martha Hopkins, Part Owner of Subject Property, to rezone property on N. Kennedy Avenue from Residential-12 to Business Highway 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 of May, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand this the 5th day of May, 2023.



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

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CONTACT INFORMATION

Contact Name Martha Hopkins

Contact Address 222 E. Meadow Rd.

City Eden State NC Zip 27288

Phone Number (336) 613-0757 Email marthawhopkins

Contact's Property Interest or Legal Relationship to Owner One of the owners

PROPERTY OWNER INFORMATION

Property Owner Name ~~Same as above~~ FC Property

Property Owner Mailing Address Same as above

City Eden State NC Zip 27288

Phone (336) 613-0757 Email marthawhopkins

PROPERTY INFORMATION

Tax Property ID No. (PIN) 708017025287

Deed Book and Page No. 1204 0081

Physical Address Kennedy St.

City Eden State NC Zip _____

Year Current Owner Acquired Property 2004 Acreage 100X 150 lot

Public Water Available? Yes No Public Sewer Available? Yes No

Current Use of Property R12

City Jurisdiction: In-City Limits ETJ

Existing land use/zoning on adjoining properties:

North: R12 ED

South: BH/ED

East: R12 ED

West: BH/ED

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 _____

Requested Zoning District _____

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

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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.
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):

There are no plans at this time. The lot, due to its location, appears to be better suited for business purposes.

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 *Martha W. Hylton* Date _____

Property Owner Signature *Martha W. Hylton* Date *2/28/23*

Office Use Only

Staff Member (Initial upon Receipt) *JCA* Date *2/28/23*

Application Number *Z-23-01* Fee Paid *\$300.00*

**PLANNING AND INSPECTIONS DEPARTMENT
ZONING MAP AMENDMENT REPORT
March 28, 2023**

CASE NUMBER: Z-23-01

EXISTING ZONING DISTRICT: Residential 12 (R12)

REQUESTED ZONING DISTRICT: Business Highway (BH)

APPLICANT: Martha Hopkins

APPLICANT'S STATUS: Part Owner of Subject Property

PROPERTY INFORMATION

LOCATION: N. Kennedy Avenue
PIN: 7080-17-02-5287
SIZE: Approximately 0.35 acres
ACCESS: N. Kennedy Avenue
LAND USE: Residential 12
ZONING HISTORY: Previously zoned R12 as part of UDO updates in 2021

AREA INFORMATION

CHARACTERISTICS: Bordered on the north by developed R12 property. Bordered on the south by BH property. Bordered on the west by N. Kennedy Avenue. Bordered on the east by developed R12 properties.

ADJACENT ZONING:

North:	R12 District
East:	R12 District
West:	N. Kennedy Avenue, BH District
South:	BH District

PLANNING AND DEVELOPMENT INFORMATION

STREET IMPROVEMENTS: Yes

PUBLIC WATER AVAILABLE: Yes

PUBLIC SEWER AVAILABLE: Yes

2021 COMPREHENSIVE PLAN: Traditional Neighborhood (TN)

FLOOD HAZARD AREA: None

WATER SUPPLY WATERSHED: None

STAFF ANALYSIS

The request is to rezone a single parcel of approximately 0.35 acres from Residential 12 (R12) to Business Highway (BH). The R12 District is 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 BH District is designed to accommodate highway-oriented retail, commercial service uses and, in some cases, light manufacturing.

The subject parcel is located on N. Kennedy Avenue. The owner of subject property currently has no future use plans for the property. The rezoning of subject property would enable the property to be utilized for uses that would benefit the City of Eden in future development and growth. Staff is of the opinion that these uses are compatible with the surrounding commercial and residential uses. Staff is also of the opinion that the other types of uses allowed in the BH district would not be detrimental to the surrounding area. 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 BH request.

STAFF RECOMMENDATION:

Approval of the BH request.



ZONING CASE

Z-23-01

AERIAL MAP



**PIN:
7080-17-02-5287**

**Zoned:
Residential 12**

**Request:
Business Highway**



ZONING CASE

Z-23-01

ZONING MAP



**PIN:
7080-17-02-5287**

**Zoned:
Residential 12**

**Request:
Business Highway**

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-12 to Business Highway the following property:

Being all of Lots 3 and 4 Section C of Irvin River Heights, Stadium Road Development as per map by E L Wilmarth dated January 1, 1961 and being further described as Parcel 7080-17-02-5287-00 of the Rockingham County Tax Department. For further reference see Deed Book 585, page 174 Rockingham County Registry.

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

APPROVED, ADOPTED AND EFFECTIVE, this 16th day of May, 2023.

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-23-01
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 0.35 acres located on N. Kennedy Avenue from Residential-12 (R12) to Business Highway (BH).

WHEREAS, On March 28, 2023, the City of Eden Planning Board voted to recommend to the Eden City Council that the rezoning request be approved.

STATEMENT OF NEED:

The BH District is designed to accommodate highway-oriented retail, commercial service uses and, in some cases, light manufacturing. The rezoning of subject property would enable the property to be utilized for uses that would benefit the City of Eden in future development and growth.

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 16th day of May, 2023.

CITY OF EDEN

BY: _____
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-23-02 – Approximately 0.10 acres on Jay Street**
Date: May 5, 2023

The City has received a zoning map amendment request filed by John D. Smith, III, Owner of JS of Eden Enterprises, Inc., Property Owner, to rezone approximately 0.10 acres on Jay Street. The request is to rezone the property from Residential-12 to Business General.

The Planning and Community Development Department recommends approval of the map amendment request. At a regular meeting in April, 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-23-02
Approximately 0.10 acres on Jay Street

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 John D. Smith, III, Owner of JS of Eden Enterprises, Inc., Property Owner, to rezone property on Jay Street from Residential-12 to Business General 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 of May, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand this the 5th day of May, 2023.



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 John D. Smith, III
Contact Address PO Box 590 (601 N. Bridge Street)
City Eden State NC Zip 27289-0590
Phone Number (336) 627-1313 Email jsofedenent@embarqmail.com
Contact's Property Interest or Legal Relationship to Owner Contact/Owners - Same

PROPERTY OWNER INFORMATION

Property Owner Name JS of Eden Enterprises, Inc. (John D. Smith, III)
Property Owner Mailing Address PO Box 590
City Eden State NC Zip 27289-0590
Phone (336) 627-1313 Email jsofedenent@embarqmail.com

PROPERTY INFORMATION

Tax Property ID No. (PIN) 7979 07 59 1162 00
Deed Book and Page No. Deed Book 818 Page 2381
Physical Address Jay Street (Behind Old Moorefields Building)
City Eden State NC Zip 27288
Year Current Owner Acquired Property 1989 Acreage 30 X 60 Lot
Public Water Available? Yes No Public Sewer Available? Yes No
Current Use of Property Empty Lot at Present Time
City Jurisdiction: Yes In-City Limits ETJ

Existing land use/zoning on adjoining properties:

North: Pay N Stay LLC (Old Moorefields Building) Business
South: 550 Monroe St - Residential
East: Jay Street
West: _____

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: XX General Rezoning _____ Conditional Zoning District

Current Zoning District R-12 Residential

Requested Zoning District Business

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
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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.
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):

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  Date 4/5/2023

Property Owner Signature  Date 4/5/2023

Office Use Only

Staff Member (Initial upon Receipt) JCA Date 4-5-23

Application Number Z-23-02 Fee Paid \$300.00

**PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
ZONING MAP AMENDMENT REPORT
April 25, 2023**

CASE NUMBER: Z-23-02

EXISTING ZONING DISTRICT: Residential 12 (R12)

REQUESTED ZONING DISTRICT: Business General (BG)

APPLICANT: John D. Smith, III

APPLICANT'S STATUS: Owner of JS of Eden Enterprises, Inc., Owner of Subject Property

PROPERTY INFORMATION

LOCATION: Jay Street

PIN: 7979-07-59-1162

SIZE: Approximately 0.10 acres

ACCESS: Jay Street

LAND USE: Residential 12

ZONING HISTORY: Previously zoned R12 as part of UDO updates in 2021

AREA INFORMATION

CHARACTERISTICS: Bordered on the north by developed R12 property. Bordered on the south by Jay Street and BG properties. Bordered on the west by developed R12 property. Bordered on the east by developed BG property.

ADJACENT ZONING:

North:	R12 District
East:	BG District
West:	R12 District
South:	Jay Street & BG District

PLANNING AND DEVELOPMENT INFORMATION

STREET IMPROVEMENTS: Yes

PUBLIC WATER AVAILABLE: Yes

PUBLIC SEWER AVAILABLE: Yes

2021 COMPREHENSIVE PLAN: Town Center (TC)

FLOOD HAZARD AREA: None

WATER SUPPLY WATERSHED: None

STAFF ANALYSIS

The request is to rezone a single parcel of approximately 0.10 acres from Residential 12 (R12) to Business General (BG). The R12 District is 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 BG Districts are generally located on the fringe of the central business district and along major radial highways leading out of the city. The principal use of land is for dispensing retail goods and services to the community and to provide space for wholesaling and warehousing activities. Because these commercial areas are subject to public view and are important to the economy of the area, they shall have ample parking, controlled traffic movement, and suitable landscaping.

The subject parcel is located on Jay Street. The owner of subject property currently has no proposed plans for the property. The rezoning of subject property would enable the property to be developed for uses that would benefit the City of Eden in future development and growth. Staff is of the opinion that these uses are compatible with the surrounding commercial and residential uses. Staff is also of the opinion that the other types of uses allowed in the BG district would not be detrimental to the surrounding area. 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 BG request.

STAFF RECOMMENDATION:

Approval of the BG request.



ZONING CASE

Z-23-02

AERIAL MAP



**PIN:
7979-07-59-1162**

**Zoned:
Residential 12**

**Request:
Business General**



ZONING CASE

Z-23-02

ZONING MAP



**PIN:
7979-07-59-1162**

**Zoned:
Residential 12**

**Request:
Business General**

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-12 to Business General the following property:

BEGINNING at a stake set in the edge of Jay Street, which stake is south 54 degrees 34 minutes W. 140 feet from the intersection of Jay Street with Bridge Street and which beginning point is a corner with Coca Cola Bottling Company lot., and running thence with Jay Street S. 54 degrees 34 minutes W. 50 feet to a stake, a corner with Lot No. 8, Division of J. B. Fagge Home Property; thence N. 39 degrees 02 minutes W. 90 feet to a stake, a new corner; thence parallel with Jay Street N. 54 degrees 34 minutes E. 50 feet to a stake set in the line of the Coca Cola Bottling Company lot, also a new corner; thence S. 39 degrees 02 minutes E. with the line of said Coca Cola Bottling Company lot 90 feet to a stake set in the edge of Jay Street, THE POINT OF BEGINNING, and being all of Lot No. 6, Division of the J. B. Fagge Home Property, as per map and survey by W. T. Combs, dated January 10, 1939, and said description also containing ten feet immediately at the rear of said Lot No. 6, said 10 feet being a part and portion of Lot No. 8, as per map above referred to.

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

APPROVED, ADOPTED AND EFFECTIVE, this 16th day of May, 2023.

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-23-02
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 0.10 acres on Jay Street from Residential-12 (R12) to Business General (BG).

WHEREAS, On April 25, 2023, the City of Eden Planning Board voted to recommend to the Eden City Council that the rezoning request be approved.

STATEMENT OF NEED:

The B-G Business Districts are generally located on the fringe of the central business district and along major radial highways leading out of the city. The principal use of land is for dispensing retail goods and services to the community and to provide space for wholesaling and warehousing activities. Because these commercial areas are subject to public view and are important to the economy of the area, they shall have ample parking, controlled traffic movement, and suitable landscaping.

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 16th day of May, 2023.

CITY OF EDEN

BY: _____
Neville Hall, Mayor

ATTEST:

Deanna Hunt, City Clerk



Planning and Community Development Department

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

MEMO

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Kelly K. Stultz, AICP, Director
Subject: **Voluntary Annexation Petition**
345 Wilshire Drive
Date: May 5, 2023

At your April regular meeting, you instructed the City Clerk to investigate the sufficiency of a petition for voluntary annexation for the property located at 345 Wilshire Drive owned by Brian Furbert and Ruby Furbert.

With the assistance of the City Attorney, we have determined that the proper signatures were placed on the petition and that the owners listed above are the owners of the property identified on the Petition.

Attached you will find the certificate of sufficiency executed by the City Clerk, a current survey of the property, and a Resolution Fixing Date of Public Hearing.

This type of annexation does not have the same requirements as does an involuntary annexation. However, there are requirements with regard to fire service.

Please accept the certificate of sufficiency and call a public hearing for your June regular City Council meeting.

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

CERTIFICATE OF SUFFICIENCY

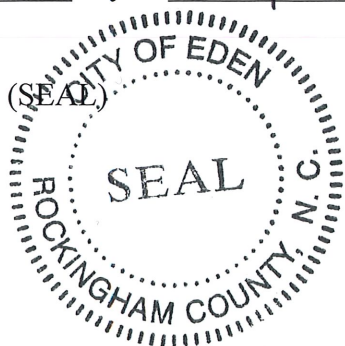
To the City Council of the City of Eden, North Carolina:

I, Deanna Hunt, City Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

I further find that the area meets the standards for a noncontiguous area as specified in G.S. 160A-58.1(b), in that:

1. The petition includes a legal description of the area proposed for annexation and has attached a map showing the proposed satellite area in relation to the primary corporate limits. [Note if the map also shows the area in relation to another municipality.]
2. The petition includes the names and addresses of all owners of real property lying in the area described therein.
3. The petition includes the signatures of all owners of real property lying in the area described therein, except those not required to sign by G.S. 160A-58.1(a).
4. The nearest point on the proposed satellite corporate limits is no more than three (3) miles from the primary corporate limits of the City of Eden.
5. No point on the proposed satellite corporate limits is closer to the primary corporate limits of any municipality other than the City of Eden [or indicate that, although closer to another municipality, there is an annexation agreement in place that allows the annexation of the proposed satellite];
6. The satellite area is so situated that the City of Eden will be able to provide the same services as are provided within its primary corporate limits;
7. To the extent that the proposed satellite area contains any portion of a subdivision, the entire subdivision is included;
8. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits of the City of Eden, does not exceed ten percent (10%) of the area within the primary corporate limits of the City of Eden [or indicate that the municipality has a modification to this requirement pursuant to an act of the General Assembly].
9. [State other findings if municipality has additional requirements for the petition, such as vested rights declaration.]

In Witness Whereof, I have hereunto set my hand and affixed the seal of the City of Eden, this 8 day of May, 2023.



Deanna Hunt

Deanna Hunt, City Clerk

BOOK 22
PAGE 10

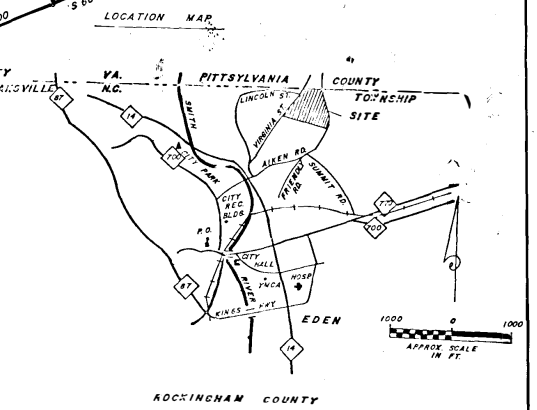
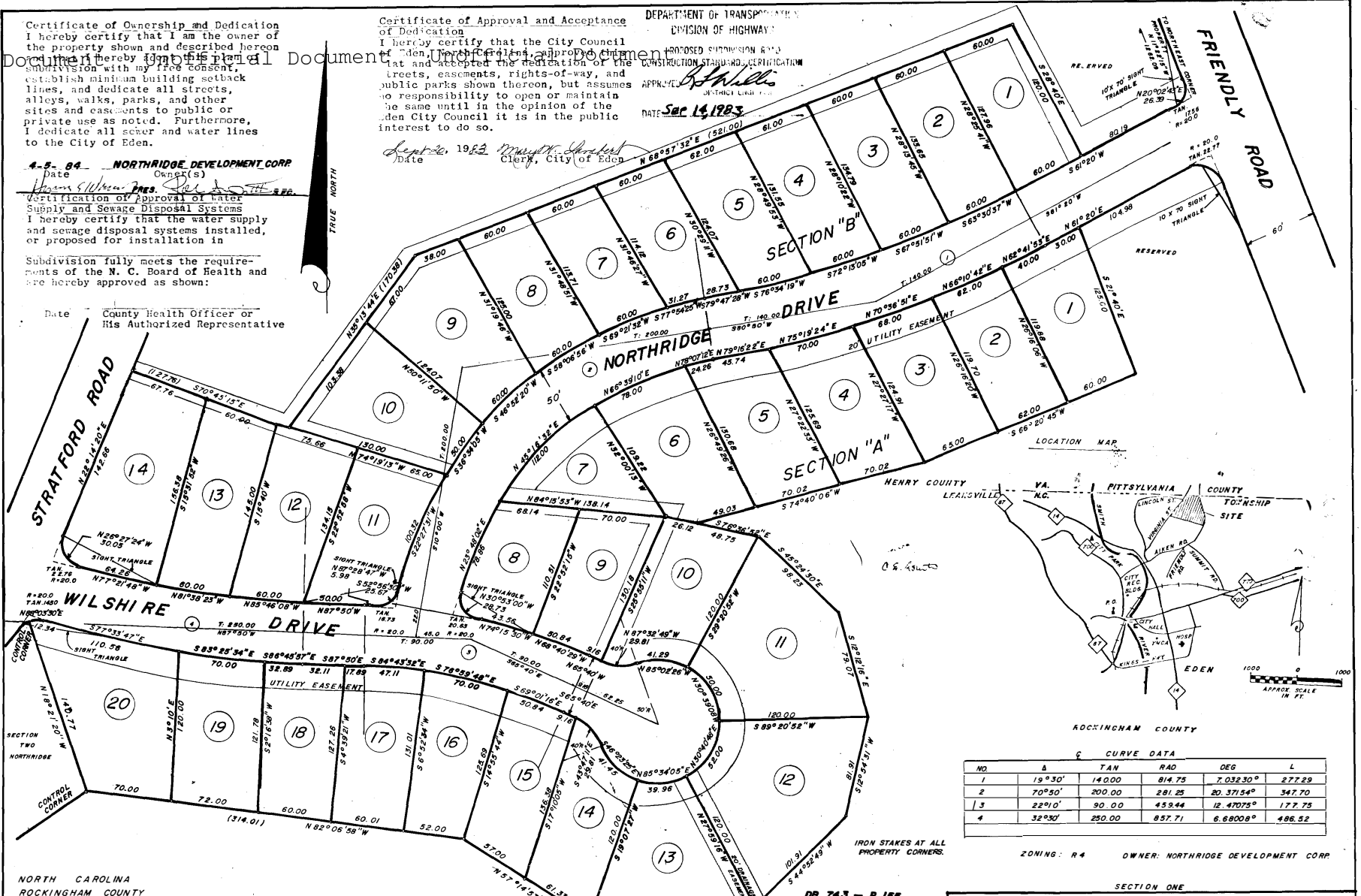
Certificate of Ownership and Dedication
I hereby certify that I am the owner of the property shown and described hereon and I hereby dedicate the same to the public use and enjoyment of the City of Eden, North Carolina, and I establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I dedicate all sewer and water lines to the City of Eden.

Certificate of Approval and Acceptance of Dedication
I hereby certify that the City Council of Eden, North Carolina, has approved the proposed subdivision and has accepted the dedication of the streets, easements, rights-of-way, and public parks shown thereon, but assumes no responsibility to open or maintain the same until in the opinion of the City Council it is in the public interest to do so.

DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
PROPOSED SUBDIVISION AND CONSTRUCTION STANDARDS CERTIFICATION
APPROVED: *[Signature]*
DATE: SEP 14 1983

4-5-84 NORTHTRIDGE DEVELOPMENT CORP.
Date: SEP 14 1983
City of Eden, N.C.
I hereby certify that the water supply and sewage disposal systems installed, or proposed for installation in this subdivision fully meets the requirements of the N. C. Board of Health and are hereby approved as shown:

Date: SEP 14 1983
Clerk, City of Eden



CURVE DATA

NO	Δ	TAN	RAD	DEG	L
1	19°30'	14.00	814.75	7.03230°	277.29
2	70°50'	200.00	281.25	20.37154°	347.70
3	22°10'	90.00	459.44	12.47075°	177.75
4	32°30'	250.00	857.71	6.68008°	486.52

I, C.E. ROBERTSON CERTIFY THAT UNDER MY DIRECTION AND SUPERVISION THIS MAP WAS DRAWN FROM AN ACTUAL SURVEY, THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000, THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES, THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.
WITNESS MY HAND THIS 24th DAY OF SEPT. 1982

C.E. ROBERTSON
REGISTERED LAND SURVEYOR

Certification of Approval by the Planning Board
The Eden Planning Board hereby approves the final plat for the NORTHTRIDGE MOBILE HOME Subdivision.
9/6/83
Date Chairman, Eden Planning Board

NORTH CAROLINA - ROCKINGHAM COUNTY
I, Vicki Fleming, a NOTARY PUBLIC FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT C.E. ROBERTSON PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.
WITNESS MY HAND AND OFFICIAL SEAL, THIS 24th DAY OF September, 1982.
NOTARY PUBLIC: Vicki Fleming MY COMMISSION EXPIRES: 5-18-85

Certificate of Approval for Recording
I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for Eden, North Carolina, with the exception of such variances, if any, as are noted and that this plat has been approved by the Eden City Council for recording in the office of the Register of Deeds of Rockingham County.
Date: SEP 20 1983
Clerk, City of Eden

PLAT OF SURVEY
FOR
PHASE ONE
NORTHTRIDGE
MOBILE HOME SUBDIVISION
LEAKSVILLE TWP. ROCKINGHAM COUNTY
NORTH CAROLINA
SEPT. 24, 1982
REVISED SEPT. 8, 1983
SCALE 1" = 50'
C. E. ROBERTSON & ASSOCIATES
REGISTERED LAND SURVEYORS
EDEN, NORTH CAROLINA

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-58.1**

WHEREAS, A Petition requesting annexation of the non-contiguous area described herein have been received; and

WHEREAS, the Eden City Council has by resolution directed the City Clerk to investigate the sufficiency of the Petition at their meeting on April 18, 2023; and

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

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

Section 1. A public hearing on the question of annexation of the non-contiguous areas described herein will be held in the Eden City Hall in the City Council Chamber at 6:00 P.M. on June 20, 2023.

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

Being all of Lot 12, Section A, Northridge Mobile Home Subdivision. SEE PLAT BOOK 22, PAGE 10, of the Rockingham County Registry.

Section 3. Notice of the public hearing shall be published in the Rockingham Now, a newspaper having general circulation in the City of Eden, at least ten (10) days prior to the date of the public hearing.

This the 16th day of May, 2023.

CITY OF EDEN

BY: _____
Neville A. Hall, Mayor

ATTEST:

Deanna Hunt, CMC, City Clerk

PETITION REQUESTING A NON-CONTIGUOUS ANNEXATION

Date: March 20, 2023

To the City Council of the City of Eden, North Carolina:

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the City of Eden.
2. The area to be annexed is non-contiguous to the City of Eden and the boundaries of such territory are as described in the attached Deed.
3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Eden.
4. We acknowledge that any zoning vested rights acquired pursuant to N.C.G.S. 160A-385.1 or N.C.G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property.

<u>Name</u>	<u>Address</u>	Do you declare Vested rights? <u>Yes</u> or No	<u>Signature</u>
<u>Brian Furbert</u>	<u>345 Wilshire Dr. Eden 27288</u>		<u>Brian Furbert</u>
<u>Ruby Furbert</u>			<u>Ruby Furbert</u>

CITY OF EDEN – MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL

THRU: JON MENDENHALL, CITY MANAGER

FROM: ERIN GILLEY, CITY ATTORNEY

DATE: MAY 8, 2023

SUBJECT: CITY COUNTY PUBLIC UTILITIES AGREEMENT

I have been asked to present a history and update of this Agreement for your benefit. This Agreement dates back to 1998. At that time, the sewer service area was located within the Wentworth Township area and the County installed numerous pump stations and lines that the County would maintain, but would discharge into the City's wastewater plant. The County had no wastewater plant, but did need to offer sewer service on a limited basis in that area. That area has continued to grow with the Community College, governmental center, courthouse, additional commercial and residential locations.

This agreement allowed the City to offer rate categories to the County for each use that it had. There was an institutional rate, commercial rate, leachate rate and a residential rate. The City had one customer who was the County. The County, then has all of the users as its customers. The City bills the County one large lump sum bill based upon all the users. The County pays the City and then decides how it will charge its own customers.

The County has declined to build a plant or to create a regional sewer authority. The recent growth in addition to the potential growth in this area creates maintenance and service sewer issues for the County with no wastewater plant and no regional sewer service authority. It does, however, provide an opportunity for growth for Eden and intergovernmental cooperation for the City and the County.

One issue in this agreement is the schedule of rates proposed.

Governmental waste or sewerage

Proposed:

\$8.86 per 1,000 gallons treated.

This is an increase from their current rate. This is also higher than our inside city residents' rate at \$7.00 per 1,000 gallons treated. (Most of this sewage is generated from nonprofit making sources—schools, County buildings, etc.)

Residential waste or sewerage

Proposed:

\$9.75 per 1,000 gallons treated.

This amount is higher than our inside city limits rates, currently \$7.00 per 1,000 gallons treated. While it is not as high as our outside city rates, we do not have to individually bill these County customers, nor maintain the lines/meters, but we do bill our outside rate customers, individually and maintain those lines/meters.

Commercial waste or sewerage

Proposed:

\$15.30 per 1,000 gallons treated

This amount is higher than our inside city rate, currently \$10.70. In addition, we also have an economic development rate that is not available in this proposed contract.

Industrial waste or sewerage

Proposed:

\$14.56 per 1,000 gallons treated

We also have an economic development rate that is not available in this proposed contract. (There are no industrial users in the County)

Leachate waste or sewerage

Proposed:

\$25.00 per \$1,000 gallons treated.

This is what we are charging Duke Energy for leachate. Why charge the County more than we are charging Duke Energy? The County controls the tipping fees and could increase these.

Flat rate

Proposed:

\$2,500 per month

This is an increase from their current rate (\$790.08 to \$2,500).

We feel these rates are reasonable and would bring in an increase in revenue what the City annually receives.

Another issue with this agreement is the proposed purchase of Fishing creek pump station and upgraded sewer line from the County.

North Carolina is currently experiencing unprecedented growth. We have seen rural areas outside the city limits developing and growing. In recent years, the City has reached out to developers (residential and industrial) to recruit businesses and housing. Eden has some unique challenges to this endeavor including limited access to interstate highways and also a shortage of developable land inside our territorial jurisdiction. Our rivers also pose a challenge in that we have no sewer connection over the river. One common question that always rises in discussions with developers is access to public utilities. A public sewer system makes development easier and even a reality in instances where it is not feasible with septic tanks.

This Agreement as written and negotiated would allow for planned, organized and voluntary growth for Eden in the water/sewer service area as shown on the attached map. Imagine the following scenario: An area close to Eden, but outside the city limits, already has city sewer service and Dan River water. They're paying outside rates, but no city taxes. Would they want to be added to the City limits? The answer would probably be no. But if you reach the area before it develops, before houses are built and sold and you offered to make sewer access easy and affordable, but the property owner must petition for annexation before you build your sewer line or connect them, the answer would be different. Inside rates would be offered. At that point, the developer would have the option of whether the property would be inside the City in order to obtain sewer service, and when the houses were sold, the buyers would know before they bought the property if they were city of Eden residents or not.

This type of growth is not as feasible if the City does not own any of the sewer service lines across the river. A situation occurs where the area develops and receives the benefit from the City infrastructure, but the City does not benefit in tax base. The City is already providing the benefit of our wastewater treatment plant to this area, but is not gaining any real land growth or development benefits from that provision. The City's tax base could benefit from this wastewater provision. In addition, building a line across the river would cost about \$800,000.

This is the reason the Staff is requesting that City Council approve this agreement which includes the purchase and take over of Fishing Creek Pump Station. The Agreement provides that the entity that owns the lines will control the customers. The Agreement also references the City's ordinance that requires any new customer being added to our system, must petition for annexation. It also gives the City the discretion of whether or wants to annex them or not. We may not want to annex every customer.

According to the County' records, the current value of the system without the upgrade is \$796,000. This amount takes into account the estimated depreciation as of 6/30/2022. In addition to the book value of the portion of the sewer to Hilltop, the value of Fishing Creek Pump Station rebuilding is \$1,725,000. In addition to these values, the sanitary sewer force main under the Dan River is being built as part of the demolition of Mebane Bridge, the value of this work is estimated at \$745,547. The City would be getting substantial equity of a new pump station, new force main and existing gravity system with a value totaling approximately \$3,266,547 for a cost to Eden utility customers (including those customers in unincorporated Rockingham County) of \$800,000; a discount of \$2,466,547. The City of Eden is being asked to pay \$0.24 on the dollar for the opportunity to expand the growth potential of the corporate limits (annexation) and future economic development (more growth including roof-tops means more commercial interest).

This increase in revenue brought by the rate leveling would bring \$64,000 of new revenue annual to the water-sewer fund, which when added over a 20-year period would pay for the cost of the purchase of the portion of the county system. \$64,000 over 12.5 years is actually \$800,000.

Staff was asked by Council to provide the following information: the volume and system capacity for this additional pump station, video footage of the pump station and lines

to be acquired. Council was provided this information several weeks ago. The memo regarding capacity from the City Manager is attached hereto as well, indicating approximately 667 future potential houses that could be served with the acquisition. In addition, the camera footage was provided indicating no major concerns. After review, City staff reported that the majority of the pipe is PVC and in great shape. It was noted that some of the manholes shown in the footage were epoxied along the walls, but not epoxied all the way into the trough of the manhole. (Our City staff currently requires all new installs in “new builds” to have epoxy all the way into the trough to alleviate concerns with potential inflow and infiltration.) We do have many of our original manholes in the City with the same issue and would prefer them all to be epoxied all the way through.

The Agreement also allows for other economic development partnerships with the County for providing and investing in utilities in the area. This Agreement provides a framework for expansion if the opportunity arises from the economic development and growth. Any new investment will have to be agreed upon by each Board at the time the investment would be required.

Based upon the following information, Staff feels the agreement as presented is not only a fair negotiation between the City and County, but it provides the City with an opportunity to grow at a slow, planned rate and utilize the resources that we have which is, our public utilities.

CITY OF EDEN – MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL

THRU: JON MENDENHALL, CITY MANAGER

FROM: MELINDA WARD, WASTEWATER SUPERINTENDENT

DATE: APRIL 26, 2023

SUBJECT: COUNTY SEWER USAGE

The following chart shows the total usage from last year along with the average monthly usage sent to the City wastewater plant from the County Pump Station. The average amount received is 1.7 million gallons a month or approximately 56,000 gallons a day. Of that, between 150,000 to 200,000 gallons is residential. This averages to about 5,000 – 6700 gallons a day. According to the county, their force main can handle a little more than 300,000 gallons a day. They plan to upgrade their pump station to match this capacity, but there is plenty of room for growth at this time with over 240,000 gallons a day left.

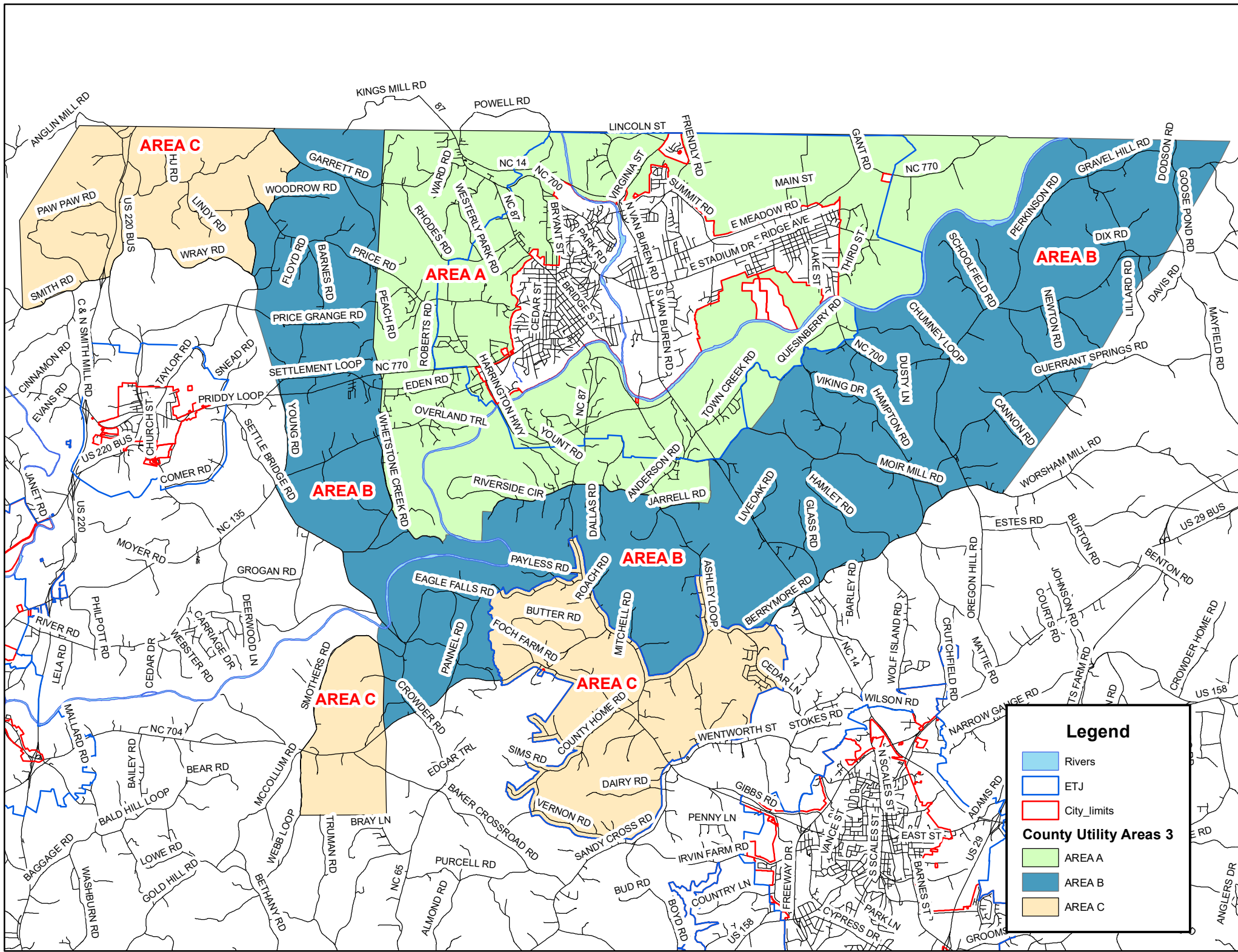
Bill Date	Rockingham County Fishing Pump Station Sewer Usage
1/14/2022	1,631,200
2/15/2022	3,165,600
3/15/2022	1,042,200
4/14/2022	1,394,000
5/16/2022	1,612,200
6/15/2022	1,692,300
7/15/2022	1,841,700
8/16/2022	990,300
9/16/2022	1,781,900
10/15/2022	1,701,200
11/15/2022	1,973,600
12/15/2022	1,956,800
TOTAL	20,783,000
AVERAGE	1,731,917

gallons per month

gallons per month

Capacity: 300,000gpd
Available: 240,000gpd
3 bedroom house: 360gpd

Approximate number of future potential houses that could be served within the Fishing Creek basin: 667 ($240,000/360 = 667$)



Legend

- Rivers
- ETJ
- City Limits

County Utility Areas 3

- AREA A
- AREA B
- AREA C

RESOLUTION TO ADOPT AND APPROVE THE CITY COUNTY PUBLIC UTILITIES AGREEMENT

WHEREAS, a Sewer Agreement between the City of Eden and Rockingham County relative to the construction and installation of sewer lines within a mutually agreed upon service perimeter area located within Wentworth Township was authorized on January 12, 1998; and

WHEREAS, said agreement has well served the parties throughout the term of the Agreement and any extension periods, and

WHEREAS, the City of Eden and Rockingham County desire to consolidate and update this Agreement into a revised public utilities Agreement, and desire to execute and perform the terms set forth within the attached City and County Public Utilities Agreement; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Eden that the execution of the “City and County Public Utilities Agreement” is hereby adopted and approved.

APPROVED, ADOPTED AND EFFECTIVE this ____ day of May, 2023.

CITY OF EDEN

By: _____
Neville Hall, Mayor

ATTEST:

Deanna Hunt, City Clerk

CITY AND COUNTY PUBLIC UTILITES AGREEMENT

THIS REVISED CONSOLIDATED PUBLIC UTILITIES AGREEMENT, made this ____ day of _____, 2023 by and between the City of Eden, a municipal corporation chartered by the State of North Carolina, (hereinafter referred to as “EDEN”), and Rockingham County, a body politic of the State of North Carolina, (hereinafter referred to as “COUNTY”);

WITNESSETH:

THAT, WHEREAS, on the 12th day of January, 1998 a Sewer Agreement was authorized between EDEN and COUNTY relative to the construction and installation of sewer lines within a mutually agreed upon service perimeter area located within Wentworth Township; and,

WHEREAS, this sewer agreement has well served the parties throughout the term of the Agreement; and,

WHEREAS, it is deemed desirable to consolidate and update into a Revised Public Utilities Agreement; and,

WHEREAS, EDEN presently owns and operates, and proposes to continue to operate, in accordance with applicable law and regulation, a public water supply and a sanitary sewerage system, including treatment plants, pump stations, lines and other necessary facilities with sufficient capacity for the needs of EDEN’s citizens and customers and for the citizens and customers of other areas of the COUNTY as contemplated by this Agreement; and,

WHEREAS, EDEN being desirous of serving citizens and customers of other areas of the COUNTY does so with the anticipation of municipal growth, tax base expansion, the development of private investments to create jobs for the people of both COUNTY AND EDEN; and,

WHEREAS, it is the intent of COUNTY and EDEN to continue to expand existing water and sewer facilities into certain areas presently lying outside the corporate limits of EDEN in order to adequately and efficiently provide water and sewer services in the Water and Sewer Service Area, as defined on the attached map, to the end that a healthy, orderly, and coordinated system of continued growth and development will be attained in a manner most conducive to the public health and general welfare. Further, said extensions of public utilities are to be provided in a rational manner in order to ensure efficient delivery of services, and COUNTY and EDEN will work together in good faith in the best interest of the citizens; and,

WHEREAS, it is deemed to be in the best interest of both EDEN and COUNTY to enter into a revised contract under which future public utility line extensions and installations shall be authorized pursuant to certain criteria, rules, and regulations as established herein; and,

WHEREAS, it is the further intention of the parties hereto that all lines previously installed under the 1998 agreement mentioned above shall be subject to the conditions set forth herein from and after the date that this contract becomes effective; and,

WHEREAS, the parties have agreed to enter into this Agreement to formalize their respective duties and obligations in such regard.

NOW, THEREFORE, in consideration of the mutual covenants, terms, and conditions contained herein accruing the benefit of each of the respective parties hereto, the receipt of which is hereby acknowledged, it is hereby agreed as follows:

ARTICLE I

Construction of Necessary Facilities

- A. Responsibilities of Parties. Each party shall be responsible for the construction and maintenance of any interconnection which shall be made by COUNTY at such point or points as EDEN shall reasonably designate.
- B. Metering
 - a. Provisions for Metering. COUNTY has installed a master sewer meter at the point where COUNTY discharges into EDEN's treatment facilities. Plans and specifications for any new master water or sewer meters shall be approved by EDEN before installation. The relocation of any meter made necessary due to the provisions of Article VIII will be borne entirely by EDEN. The master water or sewer meter shall become the property of EDEN. EDEN shall invoice COUNTY for services rendered under this contract based on metered water usage of governmental facilities plus total sewage discharged to EDEN based on EDEN's master sewer meter. COUNTY shall maintain accurate records of water meter readings and water consumption for all facilities from which sewerage or wastewater is collected and discharged into EDEN's treatment facilities under this contract. This requirement shall apply to governmental, residential, and industrial users. COUNTY shall require all persons, firms, corporations, and organizations supplying water to facilities discharging its sewerage or wastewater into sewer lines subject to the terms and conditions of this Agreement to provide to COUNTY: (1) monthly water meter readings and consumption totals for each facility, and (2) annual records showing evidence of an ongoing meter calibration and replacement program for all meters. EDEN shall have the right to audit COUNTY's records of meter readings and calibrations on a semi-annual basis.
 - b. Calibration. Not more than twice in each year of operation, EDEN shall calibrate its meters, if requested in writing by COUNTY to do so, in the presence of a representative of COUNTY, and the parties shall jointly observe any adjustments which are made to the meters in case any adjustment is

found to be necessary. EDEN may calibrate its meters more frequently if it chooses to do so.

- c. Inaccuracies. If, upon any test, the percentage of inaccuracy of any meter is found to be in excess of plus or minus 5%, registration thereof shall be corrected for a period of time extending back to the time when such time is ascertainable, and if such time is not ascertainable, then for a period extending back one-half of the time elapsed since the date of the last calibration, but in no event further back than a period of six months. If, for any reason, any meters are out of service or out of repair so that the amount cannot be ascertained or computed from a reading thereof, the amounts during the period such meters are out of service or out of repair shall be estimated by the parties hereto on the basis of the best data available. When such estimated amounts are found to vary more or less than 5% from the subsequent regular and accurately metered period, the estimated amount shall be readjusted by averaging and then crediting, rebilled, or refunded as appropriate.
- d. Check Meter. COUNTY may, at its option and its own expense, install and operate a check meter to check each meter maintained by EDEN, but the measurement for the purpose of this Agreement shall be solely by EDEN's meters, except in the cases this Agreement specifically provides to the contrary. All such check meters shall be standard make and shall be subject at all reasonable times to inspection and examination by designated employees or agents of EDEN, but the reading, calibration, and adjustment thereof shall be made only by COUNTY, except during any period when a check meter may be used under specific written consent by EDEN for measuring amounts in which case the reading, calibration, and adjustment thereof shall be made by EDEN with like effect as if such check meter or meters had been furnished or installed by EDEN.
- e. Unit measurement. The unit of measurement for water and wastewater hereunder shall be U.S. Standard Liquid Measurements in gallons.

ARTICLE II Customer Relationship

The parties to this Agreement recognize and agree that no agency, joint enterprise or joint ownership of real or personal property is created by this Agreement and that the relationship established hereunder is of COUNTY as customer, and EDEN as vendor of water and/or sewer treatment services hereunder, and that neither party shall be responsible in any manner for the legal liability or financial responsibility of the other, or of any third party entering into any related agreement with one or both of the parties.

ARTICLE III

INTERBASIN TRANSFER

COUNTY agrees not to distribute or discharge any of the water purchased from EDEN directly or indirectly into any river basin other than the Dan River Basin or outside of the boundaries of Rockingham County or to deliver to EDEN for treatment any wastewater from any area outside the Dan River Basin or outside the boundaries of Rockingham County without the prior written approval of EDEN.

ARTICLE IV

SERVICE AREAS AND GROWTH RATES

- A. The COUNTY and EDEN do hereby mutually establish a Water and Sewer Service Area (WSSA) outside the existing corporate limits of the City of Eden in which the parties hereto shall concentrate their efforts in reasonably providing public water and sewer extensions. The WSSA map is hereby adopted as reflected in Exhibit "A", incorporated by reference to this Agreement and as amended from time to time by the City Council and County Commissioners.
- B. Public water and sewer installations shall not be considered for extensions beyond the WSSA except as follows:
 - a. Public schools.
 - b. An unincorporated area where the County Public Health Director or North Carolina Department of Environmental Quality has declared a public health hazard due to contaminated wells, failing septic tanks, or any other failing treatment system for an existing subdivision or residential area.
 - c. Property adjacent to the WSSA where such property is capable of gravity sewer service to a gravity sewer line within the WSSA. Such proposed lines must be designed in accordance with general engineering standards and in the best interest of the utility as determined by EDEN.
 - d. Economic Development projects outside the WSSA that meet the criteria set forth in this Article.
 - e. Any other property to which the City Council and County Commissioners determine that an extension is appropriate.
- C. Economic Development. An economic development project is a non-residential and non-retail project that includes office, flex office, technology research and development, manufacturing, distribution, and assembly or other similar uses. If an economic development project is in the form of a mixed use corporate park, supportive uses such as retail, hotel, restaurant and residential development, will be permitted as part of a submitted master plan provided that such uses make up less than half of the total plan.
- D. Water Sewer Service Area (WSSA). The WSSA will be composed of four service availability areas based on the following: proximity to EDEN city limits, proximity to existing service,

and the degree that service will be beneficial to both EDEN and COUNTY through joint ventures. Water or sewer extension projects will be eligible to receive various levels of financial participation from EDEN depending on which Service Availability Area the project lies, the priority of the project, and the availability of funds. All projects will be designed in accordance with general acceptable engineering standards and in the best interest of the utility as determined by EDEN. For joint extensions, as mutually agreed by EDEN and COUNTY and prior to each project, licensed engineering services, engineered plans, contract documents, and inspection of the work concerning installation as a part of the total construction cost of water or sewer lines will be provided. Necessary rights-of-ways, permits, and permission from all persons, firms, corporations and other owners for the construction of said water or sewer utilities infrastructure shall be secured, the costs of which shall be included in the total cost for the construction of said water or sewer utilities infrastructure. The County shall convey to EDEN, at no cost or expense, any necessary rights-of-ways over land owned by the COUNTY currently being used by the County to provide water and sewer service. For future water and sewer extension projects, the COUNTY agrees to work with Eden in accessing any necessary rights-of-way over land owned by the COUNTY to install any portion of said water or sewer utilities infrastructure.

- E. Service Basins. The City Council may decide to open a water or sewer basin or portion thereof for development by extending water or sewer lines. All costs associated with opening this basin shall be borne by EDEN. EDEN may recoup its financing and construction costs through the initiation of a basin development fee for each basin.
- F. Cooperative Extension. Jointly and in cooperation the City Council and the County Commissioners may decide to open a water or sewer basin or portion thereof for development by extending water or sewer lines. Costs associated with opening or partially opening a basin in this manner shall be borne according to a cost share arrangement where COUNTY pays no more than half and EDEN pays no more than half of said costs; except that cooperatively EDEN and COUNTY may cooperatively decide to cost-share the benefits of basin expansion with any of the customers receiving the benefit of sewer extension.
- G. Potential eligibility for EDEN participation will be determined as follows:
 - a. *Service Availability Area A (Available)*: Projects are eligible for financial assistance from EDEN for over sizing of lines and pump stations beyond what is required to serve the needs of the project. EDEN may participate up to 100% for required increases to feeder main sizes and/or outfall sizes.
 - b. *Service Availability Area B (Limited Availability)*: Projects eligible for financial assistance from EDEN for up to 50% of the cost for over sizing of lines and pump stations beyond what is required to serve the needs of the project. The City may participate up to 50% for required increases to feeder main sizes and/or outfall sizes.

- c. *Service Availability Area C (Cooperation Zone)*: Projects are not eligible for EDEN participation unless it is an economic development project as specified in this section of this Agreement. The project must meet one of the following thresholds found in Table A. The City Council and the County Commissioners may decide to contribute none or more or less than the percentage of participation suggested in this section of the agreement based upon the project’s ratio of economic development impact to public investment found in Table A. Future Service Availability Area C may be depicted on the WSSA map to indicate areas of future cooperation.

Table A: Guidelines for Participation in Cost of Extending Water and Sewer for Economic Development Projects in Service Area C

Acres	Jobs	Level of Investment	Cost Share %
300+ or	300+ or	\$60 million+	90%
200>300 or	150>300 or	\$30>\$60 million	75%
100>200 or	75>150 or	\$15>\$30 million	50%
50>100 or	25>75 or	\$7>\$15 million	25%

- d. *Service Availability Area D (Scarce Availability)*: Projects are not eligible for EDEN participation. For purposes of this Agreement, Service Availability Area D will remain unmapped, but to be described as follows: any area of unincorporated Rockingham County lying outside of the corporate limits of the City of Eden or outside WSSA Service Availability Areas A, B, or C.
- e. Properties inside the COUNTY that lie adjacent to another Service Availability Area and such property is capable of connecting by gravity to a gravity sewer line in that adjacent Service Availability Area may be eligible for participation as if located in that Service Availability Area. This is subject to the condition that the proposed line is designed in accordance with generally acceptable engineering standards and is in the best interest of the EDEN utility.
- f. EDEN and COUNTY will consider the priority of a project in considering the appropriation of funds. In general, projects will be ranked based upon the following priority: eligible economic development projects, over sizing of lines and pump stations, system operational enhancements, existing public schools, public health issues in existing residential subdivisions, and federal HOME projects. Extensions that also provide protection to watershed critical areas will be given stronger consideration. If a development meets the requirements of this policy and sufficient funds are available, EDEN and COUNTY may contribute funds for the construction of the water and sewer utilities to the property line of the

development for an economic development project in Service Availability Areas A and B at the suggested percentages.

- H. Development Jurisdiction and Annexation. The provision of all water or sewer outside the corporate limits of EDEN shall be in accordance with the following:
- a. COUNTY agrees to not consent to extra-territorial zoning jurisdiction by any other municipality, special service district, or similar entity with developmental oversight and control in any area depicted as Service Availability Area A or B in the WSSA during the term of this Agreement.
 - b. It is understood by and between the COUNTY and EDEN that each new user of water or sewer service outside the corporate limits located in Service Availability Areas A & B, that meets the statutory qualifications of annexation, will be required to sign an Annexation Petition, pursuant to Eden City Code. The COUNTY shall not sell, tap, or otherwise connect any user of water or sewer onto its system without EDEN first certifying that the user has on file an Annexation Petition. Failure of the applicant to agree to meet the specified requirements on both development plans and construction of projects, could result in EDEN denying water or sewer service to that development.
 - c. It is understood by and between the COUNTY and EDEN that the COUNTY will petition, when requested by EDEN, the voluntary annexation of any land receiving service under this agreement and owned by the COUNTY falling within the Service Availability Areas A & B.

ARTICLE V

Compliance with Applicable Law and Regulation

Each party shall perform its obligations under this Agreement (including all treatment, collection, and distribution) in accordance with the terms of this Agreement, all applicable Federal and State laws, rules and regulations and specifically in accordance with EDEN Water and Sewer Ordinances as amended from time to time, a copy of said Ordinance being attached hereto as Exhibit "B" and being incorporated herein by reference as if fully set out in this Article. In addition to the foregoing requirements, the parties agree that:

- A. COUNTY Sewer Use Ordinance. COUNTY shall maintain a Sewer Use Ordinance which contains terms and conditions with respect to the collection of sewerage or wastewater equal to or surpassing those requirements set forth in the EDEN Sewer Use Ordinance. EDEN may amend its Ordinance from time to time to reflect changes in any federal or state statute, law, rule or regulation regulating the operation of sewerage and wastewater collection systems and treatment systems. The COUNTY shall from time to time amend its Sewer Use Ordinance so as to keep the COUNTY Ordinance in compliance with the provisions of the EDEN Ordinance.
- B. Enforcement by EDEN. EDEN, at its discretion and after notice to COUNTY, may monitor and analyze the effluent of any industrial user of the COUNTY's sewer

collection system to determine actual concentration, characteristics and flow quantities for the purpose of determining the applicable industrial surcharge due therefore. Further, EDEN shall have the power to monitor and enforce discharges within the jurisdiction of the COUNTY, and in such event, to levy fines, surcharge penalties, institute legal actions directly against the violating industrial dischargers without the COUNTY being a necessary party thereto. EDEN shall at all times have the authority to obtain all information needed from such industrial users and shall make the same available to the COUNTY upon request. When EDEN determines that the integrity of its Treatment Plant is in danger, EDEN shall retain the right to intervene to cease that discharge into the plant immediately and notify the COUNTY as soon as possible. EDEN personnel shall be allowed access to the entire COUNTY system to inspect collection lines/laterals and appurtenances thereto at all reasonable hours provided notice is given to COUNTY prior to such inspection.

- C. Responsibility for Fines and Penalties. If at any time a fine or penalty is imposed on the Treatment Plant or Collection System arising from a problem associated with discharges into the Fishing Creek pump station from sources outside of the control of EDEN, EDEN shall have the right to require that such fine or penalty be paid, in full, by the COUNTY.

ARTICLE VI

Term and Renewal Option

This Agreement revises and supersedes the Sewer Agreement between EDEN and the COUNTY dated January 12, 1998 and as amended. This Agreement shall be and remain in full-force and effect for a period of 20 years commencing with the date the execution of this Agreement has been approved by the governing bodies of the parties hereto with the COUNTY having the right to renew same through extension in one (1) 5-year period. Exercise of such option shall be made by COUNTY giving EDEN written notice thereof not less than 180 days prior to the expiration date of the initial term. All terms and conditions of this Agreement applicable to the initial term of 30 years shall apply during such extended terms except as herein otherwise provided.

ARTICLE VII

Transfer of Ownership, Interests, and Individual Customers in/to Public Utility Systems

COUNTY and EDEN agree that water and sewer lines extended under the provisions of this Agreement shall be owned, operated, and maintained by EDEN.

COUNTY and EDEN agree that new individual customers (water or sewer users) shall be assigned to the respective entity owning the servicing water or sewer line and falling under that respective entity's schedule of rates and charges.

ARTICLE VIII

Available Capacities

- A. Wastewater Treatment. EDEN agrees that during the term of this Agreement, it will supply and make continuously available to COUNTY on demand a maximum wastewater treatment capacity of 100,000 gallons per day of domestic wastewater. Wastewater will be accepted from the COUNTY at agreed locations and with agreed flow rates reasonably consistent with the operation of the EDEN Wastewater System and the maximum capacity and maximum discharge provisions of this Agreement. COUNTY agrees that treatment capacity under this section shall be transferable to EDEN upon the transfer of system assets as referenced in Article VII.
- B. Reduction in Available Capacities. When the EDEN wastewater treatment plant begins operating at seventy-five (75%) percent of capacity, the 100,000 gallon capacity herein reserved to the COUNTY shall be reduced to an amount equal to one hundred twenty-five (125%) percent of its total volume for the prior year, not to exceed 100,000 gallon capacity herein reserved. In such event, the COUNTY shall have the right to reserve the difference between 125% of the amount used in the prior year as herein provided for and the 100,000 capacity herein reserved by paying to EDEN for the reserved but unused portion of the 100,000 gallon capacity at the current rates per 1,000 gallons of treated sewer or wastewater. Inflows resulting from the extension of the system shall not count against the capacity limit assigned to COUNTY provided that COUNTY shall not charge, meter, or restrict flows from EDEN into COUNTY system according to the ownership, operations and maintenance responsibilities provided for in Article VII.
- C. The parties agree that EDEN shall accept and treat COUNTY landfill leachate pursuant to the terms of this Agreement provided that said leachate shall prior to conveyance to the EDEN wastewater treatment system meet the characteristics of normal domestic sewage as defined by this Agreement and prescribed by the EDEN Sewer Use Ordinance, and provided that the total maximum waste flow treated by EDEN under this Agreement (including COUNTY landfill leachate) does not exceed 25,000 gallons per day unless subject to the conditions of a Significant Industrial User permit or by special permission with the conditions that it is limited to < 50,000 gallons per day no more than once per month. COUNTY, when accepting EDEN wastewater screenings (not biosolids) generated by the EDEN wastewater plant shall only require a paint filter test before acceptance and shall charge a fee equal to \$1 more than the municipal solid waste fee.

ARTICLE IX

Rates and Revenues

- A. Initial Rates. COUNTY shall pay EDEN for all wastewater treated pursuant to this Agreement at the following rates:
 - a. Governmental waste or sewerage
 - i. \$8.86 per 1000 gallons treated
 - b. Residential waste or sewerage

- i. \$9.75 per 1000 gallons treated
 - c. Commercial waste or sewerage
 - i. \$15.30 per 1000 gallons treated
 - d. Industrial waste or sewerage
 - i. \$14.56 per 1000 gallons treated
 - e. Leachate waste or sewerage
 - i. \$25.00 per 1000 gallons treated
 - f. Flat rate
 - i. \$2500.00 per month
 - g. Other rates
 - i. EDEN will apply rates and charges for services not enumerated herein according to the adopted rate and fee schedule published and approved annually by the City Council.
- B. The parties understand and agree that COUNTY, or its successor entity, may resell water and sewer services obtained from EDEN under this Agreement to individuals or industries, within Rockingham County as provided by the terms and conditions of this Agreement. COUNTY shall not resell water or sewer service to another purchase utility system from water or sewer public utilities derived from EDEN as part of this Agreement.
- C. Change in Rates. Any change in water or sewer rates charged to COUNTY shall be made annually based on the current consumer price index (CPI); however, provided that such increase does not exceed five percent (5%).
- D. Reversion. COUNTY is noticed by EDEN that the lapse, expiration, non-renewal, breach, cancellation or circumstances arising out of force majeure will, in the next billing cycle, see the reversion of rates as outlined in section A, subsection a-g revert to rates as published by EDEN for "outside rates".

ARTICLE X

Temporary Interruptions

EDEN shall not be liable for temporary interruption in services pursuant to this Agreement by reason of fire, flood, strikes or other labor disturbances, regulations or directives of any governmental authority, shortages of fuel, power or raw materials or the inability to obtain supplies, failure of normal sources of supplies, inability to obtain or delays in transportation facilities, any Act of God or any other reason beyond the reasonable control of EDEN. However, in the event of any curtailment of services caused by any of the matters hereinabove set forth, COUNTY's services as provided for herein (unless caused by pipe rupture, stoppage, or like event which affects only the points of service to COUNTY) shall not be curtailed in a greater degree or on a different basis than curtailments made to all other customers of EDEN.

ARTICLE XI

Representations and Warranties of the Parties

EDEN and COUNTY each represent, warrant, and agree as follows:

- A. Approval and Authorization. Each said entity has full power and authority to enter into this Agreement and to fully perform all of its duties and obligations hereunder pursuant to various enabling sections of the North Carolina General Statutes. The governing board for each said entity has duly authorized the execution and delivery of this Agreement and the performance of all of its duties and obligations contained herein. This Agreement constitutes a valid and legally binding obligation of each said entity enforceable in accordance with its terms, subject to any State or Federal regulatory approval which may be required pursuant to applicable statute.
- B. No Litigation. There is no action, suit, or proceeding pending or, to the best of each entity's knowledge and belief, threatened against or affecting said entity, at law or in equity or before or by any Federal, State, municipal or other governmental department, commission, board, bureau, agency or instrumentality wherein any decision, ruling, or finding would adversely affect the transactions contemplated herein, or arising directly or indirectly out of the existence or operation of said entity's sewer systems.
- C. Non-discretionary Functions. This Agreement pertains solely to non-discretionary governmental functions. Each entity's obligations under this Agreement shall bind all future governing boards for each entity, during the term of this Agreement, to make all necessary appropriations and take all necessary actions to meet its obligations hereunder.

ARTICLE XII

Termination

This Agreement may be terminated upon mutual consent of the parties, or by court order upon the finding that there has been such a substantial breach of this Agreement by the non-complaining party so as to entitle the complaining party to be relieved of its obligations under this Agreement. Notwithstanding any termination, any transfer of ownership, interest or individual customers occurring or having occurred pursuant to Article VII shall remain in full force and effect subsequent to expiration or termination.

ARTICLE XIII

Default

A default of this Agreement shall mean a material failure to comply with any of the material provisions of this Agreement. The obligation of EDEN to furnish sewer treatment services to COUNTY in accordance with this Agreement shall be a continuing obligation and constitutes an integral and material part of this Agreement the uncured breach of which shall subject EDEN to remedies for default as provided below. Without limitation, the obligation of COUNTY to pay all charges when due under this Agreement shall be a continuing obligation, the uncured breach of which shall subject EDEN to remedies for default as provided below.

The specific enumeration of the above obligations as material under this Agreement does not exclude other obligations under this Agreement from also being considered as material.

ARTICLE XIV

Remedies for Default

This Agreement shall be enforceable by each party hereto by all remedies available at law or in equity, including but not limited to specific performance. Failure or delay to exercise any right, remedy or privilege hereunder shall not operate as a waiver of such right, remedy or privilege nor prevent subsequent enforcement thereof.

ARTICLE XV

Notices

All notices required or permitted to be given under this Agreement shall be delivered in person or given by certified mail, return receipt requested. Notice shall be effective as of the time of delivery except notices by certified mail which shall be effective as of the date of depositing in the United States mail. All notices shall be addressed or delivered as follows:

TO EDEN:

Attention: City Manager
PO Box 70
Eden, North Carolina 27289-0070

TO COUNTY:

Attention: County Manager
P.O. Box 101
Wentworth, NC 27375

ARTICLE XVI

EFFECT

This Agreement shall take effect as of the date of execution hereof by both COUNTY and EDEN. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

ARTICLE XVII

Governing Law

This Agreement shall be governed and construed in accordance with the laws of the State of North Carolina.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the same having been approved by the respective governing bodies of EDEN and COUNTY all as of the date first above written.

CITY OF EDEN, A Municipal Corporation

By: _____

Mayor

ATTEST:

City Clerk

ROCKINGHAM COUNTY, a Body Politic

By: _____

Chairman

ATTEST:

Clerk to the Board



Planning and Community Development Department

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

MEMO

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Kelly K. Stultz, AICP, Director
Subject: **Resolution of Intent to Close
An Unopened Section of Houchins Street**
Date: May 5, 2023

The City has received a request from Jerry W. Totten, Curtis H. Darnell, Jr. and Sandra K. Darnell to close an unopened section of Houchins Street. Attached you will find the petition, Resolution of Intent to Close an Unopened Section of Houchins Street off of Washburn Avenue, and a map showing the proposed closing. A motion to adopt the resolution and call a public hearing is in order.

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



PETITION

TO CLOSE STREET OR ALLEY

Date Filed 4/12/2023

Application No. SC-23-01

Mayor and City Council
City of Eden
Eden, NC 27288

(I)(We) the undersigned, being owner(s) of real property adjacent to the (street) (alley) located at Unopened Houchins Street and as shown on the attached sketch, do hereby petition the City Council to permanently close said (street) (alley):

OWNER(S) & MAILING ADDRESS:

Totten Enterprises, LLC
510 Washburn Ave.
Eden, NC 27288

SIGNATURES:

Jerry W. Totten Manger

OWNER(S) & MAILING ADDRESS:

Curtis H. Darnell Jr
Sandra K. Darnell
514 Washburn Ave. Eden, NC 27288

SIGNATURES:

Curtis H. Darnell Jr.
Sandra K. Darnell

OWNER(S) & MAILING ADDRESS:

✓ physical address

321 Forest Circle
Danville, VA 24541

SIGNATURES:

INSTRUCTIONS:

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

\$800

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

**RESOLUTION OF INTENT
TO CLOSE AN UNOPENED SECTION OF HOUCHINS STREET
OFF OF WASHBURN AVENUE**

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

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

Being that portion of Houchins Street located on the south side of Lots 9 and 10, Section 8, Flint Hill, and north of Lots 15 and 16, Section 7, Flint Hill; said portion being shown on the map as 25 feet wide and extending from Washburn Avenue to the rear corners of Lot 10 and 15; said Map of Flint Hill being recorded in Map Book 2, page 12 in the Office of the Register of Deeds for Rockingham County, North Carolina. The described area is shown on the Rockingham County GIS map as 30 feet wide

BE IT FURTHER RESOLVED that the City Council does hereby call for a public hearing on the said closing to be held on the **20th day of June, 2023, at 6:00 P.M.**

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

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

APPROVED, ADOPTED AND EFFECTIVE, this 16th day of May, 2023.

CITY OF EDEN

BY: _____
Neville A. Hall, Mayor

ATTEST:

Deanna Hunt, CMC
City Clerk



STREET CLOSING
Case File No. SC-23-01



**Unopened Section
of Houchins Street
off of Washburn Avenue**



STREET CLOSING
Case File No. SC-23-01



**Unopened Section
of Houchins Street
off of Washburn Avenue**



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, Director
Re: Acceptance of Lark Drive for City Maintenance
Date: May 12, 2023

Northridge Development Corporation has submitted a request for the city to accept Lark Drive for maintenance. As per the requirements of the Unified Development Ordinance, any developer must construct any street according to city standards if they want it to become a part of the city street system.

The company has provided a map of just the section of Lark Drive that they want accepted. I am attaching a copy for your review. This map will be recorded if you choose to accept the street. Design and Construction has monitored the improvements to the street during construction and it does meet our standards.

There are concerns that Lark Drive could be damaged during further construction in the neighborhood. As happens in a phased development, there is some risk of damage to a roadway or other infrastructure as the process proceeds. The city does not have the ability to force a developer to complete all phases of a proposed development. The UDO requires that the developer give the city a warranty on the street to be accepted. In this case, I would recommend that the warranty be specifically noted to be one year from the date of acceptance and not of construction.

As we work toward improving the economic health of Eden, there is currently a strong need for housing. In my opinion, this street should be accepted and included in the Powel Bill list for maintenance funding.



**City Manager's Report
May 2023**

City Manager Jon Mendenhall

ADMINISTRATION DEPARTMENT

Marketing & Communications Office

Our **20th Annual Piedmont Pottery Festival** is set for Saturday, June 4 at the First Presbyterian Church located at 582 Southwood Drive here in Eden, NC from 9 a.m. until 3 p.m. Potters from all over North Carolina and Virginia will be on site with beautiful handcrafted pottery along 2 handmade jewelry vendors. Entry is FREE and there will be pottery door prizes all day long. We hope you will join us for this treasured tradition.

Our **Spring Grown & Gathered** held at the Spray Mercantile SOLD OUT once again. Guests enjoy a wonderful dinner prepared with locally grown food, and products along with live music. The Mercantile is the perfect back drop for this elegant evening outside in beautiful Eden, North Carolina. We appreciate all those that purchased tickets.

We hope to see everyone at our **Oink & Ale** event in Uptown Eden along Monroe Street on Saturday, June 17 from 7 p.m. until 10 p.m. This is going to be the biggest 80's street festival of the year. The evening consists of a live concert from 80z Nation, barbecue vendors along with other foods, beer tastings, beer garden, axe throwing, and games. Entry fee is \$5 and includes your tasting glass. SEE YOU THERE! Don't miss it.

The **Charlie Poole Festival** is back June 9 & 10. Come celebrate the life and talent of Charlie Poole with two days of music, competitions, workshops, history, food trucks, artisan vendors and FUN. The event will take place at Rockingham Community College located in Wentworth, NC and there will be onsite tent and RV camping availability. Ticket info can be found at Charlie-Poole.com.

PARKS & RECREATION DEPARTMENT

Recreation Division

Bridge Street: The Bridge Street Recreation Center has been busy with daily walkers and fitness classes. It has also been rented out for parties and special events during the month of April.

Mill Avenue: Pickleball is being played on Monday, Tuesday, Wednesday and Friday. Cornhole has started back up. Kids are coming each day after school to play basketball and hang out.

Mill Avenue Pool/Freedom Park Splash Pad: The Mill Avenue Pool and Freedom Park Splash Pad are now closed. We are still accepting applications for lifeguards and splash pad attendants for the upcoming season. We have interviewed most all the applicants in March. The pool and splash pad will open May 27.

Freedom Park: Prowler’s baseball and softball has started at Freedom Park on Mondays, Tuesdays, Thursdays and some Fridays. Weekend tournaments with either adult or girls fast pitch has started and are moving along. Starting in May the Car Cruise In will start on the last Saturday of the month.

Senior Citizens: We had 1,475 visits during the month of April. Our seniors are taking advantage of senior center programs. Tax season is over now at the center. The outdoor programs are picking up now since warmer weather is here.

Special Events: The new Purina Bark Park ribbon cutting event and activities will be on May 19.

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

Local code complaints have picked up as they typically do this time of year; however, it is now mowing season and the high grass complaints are steadily coming in either by phone or through our *SeeClickFix* app available to all citizens. The high grass complaints will continue to increase daily as the season progresses. While we still only have one inspector, complaints continue to be addressed in a timely manner and notices sent as needed. The inspector is also checking for other code violations as he sees them out in the field and submitting them to have notices sent to the property owners. Most abatements are being handled by outside contractors as Facility Maintenance is tied up with other duties.

Local Codes Inspections April 1– April 30, 2023

Total Local Code Inspections Performed	68
Local Code Notices Sent	55
Local Codes Abated	3
Abated by contractor	0
Abated by Property Owner	3

Permits

Building and trade permit applications are received in person, via e-mail and by fax then issued from the Planning Department. Hard copies of permits are mailed to contractors usually once a week on Friday. A copy of each permit is filed by property address for each trade.

Inspections & Permits April 1 – April 30,2023

Total Inspections Performed	203 (Does not include fire inspections)
Total Permits Issued	132

The **Dollar General** and **Shoe Show Mega** projects were both completed this month and are fully open. Mechanical and electrical inspections are conducted on almost a daily basis at the **Purina** project as the production lines are being completed. **Carolina Quikcare** (urgent care facility) has submitted site and building plans for a facility located at 529 S. Van Buren Road. We are currently waiting for any **NCDOT** comments before proceeding.

Boards & Commissions

The Community Appearance Commission met for the month of April and discussed future projects. The Historic Preservation Commission met for the month of April and discussed future projects. The Tree Board met for the month of April and discussed future projects.

The Planning Board met for the month of April to review Zoning Case Z-23-02, map amendment of a parcel of approximately 0.10 acres on Jay Street from Residential 12 to Business General. Application filed by John D. Smith, III of JS of Eden Enterprises Inc., owner of subject property. The Planning Board approved the request.

Mural Project

Staff had site visits on location with multiple artists to go over the specifics of the mural project. Staff received one quote from an artist and will present the details of the bid to the Historic Preservation Commission at May's monthly regular meeting. Staff plans to receive more bids in the upcoming month.

Ferry Road Sign Project

Staff had a meeting with a local resident to discuss their knowledge of the location and history of the Ferry Road. Staff plans to present the information to the Historic Preservation Commission at May's monthly regular meeting.

POLICE DEPARTMENT

The Tait radio project has been completed.

Two FORD F-150 Police Responders (Detective) been upfitted by Campbell-Brown. The third F-150 Police Responder has been dropped off for upfit with a tentative completion date of May 17, 2023.

Trainee Philip Martin has transferred to the GTCC BLET where he was selected as the class leader. His test scores have been good since the transfer and he is on track to graduate the beginning of August.

Officer Dylan Jones was hired and has been assigned as the SRO at Homes Middle School. Dylan returns to us from Reidsville Police Department where he was assigned as the SRO at Reidsville Middle School.

We are currently conducting background investigations on two potential hires. If selected both would begin BLET in July/August 2023. We have three additional applicants that we are currently scheduling for interview.

FIRE DEPARTMENT

The regular State Fire Marshal's ISO grading has yielded an improvement in the Fire Department ISO grade from a Class 4 to a Class 3 which reflects improved fire suppression, prevention, training, staffing, equipment and a supporting water system for use during fire emergencies. City Administration wishes to thank each and every firefighter for their continued efforts each and every day.

PUBLIC WORKS DEPARTMENT

Construction

Work is on-going in the vicinity of Monroe Street related to street improvements in that area. Once work is completed on Monroe Street, the Construction Unit will be shifting gears to address some waterline replacement work in order to improve water distribution in areas of the city that have been identified for waterline replacement.

Street Division

Work is on-going with street signs, right-of-way mowing, and betterment of asphalt condition through the various crews responsible for this work. Asphalt patching has been particularly busy as preparation is made for street resurfacing.

Collections & Distribution

With recent rains, no reportable sanitary sewer overflows were observed; however, work continues with EPA compliance so that the sanitary sewer collection system is resilient and reliable in all weather events.

Solid Waste

Completed clean-up week in April and reported good participation with many loads of waste hauled to the landfill. Solid Waste Division employees wish to thank participating residents for their efforts in helping keep Eden beautiful. Representatives from the City Administration are working with outside agencies (PTRC) to determine if a keep Rockingham County Beautiful program would be beneficial for the area and to bring added resources locally to address littering.

Fleet

The fuel system project has moved to the next phase following completion of rough grading of the site, plans have been delivered for construction to begin soon.

Utilities

The water treatment works were inspected and passed their annual inspection during the reporting period. New personnel have been on-boarded as part of succession planning. Capital projects are being addressed; however, a backlog in contractor availability has hindered some capital project progress as the City awaits vendors to complete necessary and crucial work at both the water and wastewater treatment works.

CITY OF EDEN, N.C.

A special budget retreat meeting of the City Council, City of Eden, was held on Thursday, March 16, 2023 at 10 a.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
	Kenny Kirkman
	Greg Light
	Bernie Moore
	Bruce Nooe
	Tommy Underwood
City Manager:	Jon Mendenhall
City Attorney:	Erin Gilley
City Clerk:	Deanna Hunt
Media:	Roy Sawyers, Rockingham Update

MEETING CONVENED:

Mayor Hall called the 2023 Budget Retreat to order and welcomed those in attendance, noting he appreciated Roy Sawyers of Rockingham Update for attending and providing coverage.

Updates on Progress from FY 22-23 – what was accomplished in the current fiscal year:

Mayor Hall called on City Manager Jon Mendenhall.

Mr. Mendenhall noted page 2 of the agenda packet listed the accomplishments of the fiscal year. They would go down the list in order and staff would make their presentations.

Marketing:

- Purchase a camera outfit with lens – completed

Marketing and Special Events Manager Cindy Adams said photographs were a big part of Marketing. They brought Eden to life through photographs on social media, ads, different things. To be cost effective, instead of hiring a professional photographer, they really needed a good camera and were able to purchase one through the Peg Grant. It would be used a lot in the media room, which was a work in progress. She invited Council to look in there as it was coming along. She would be using the camera that day. She appreciated the camera and would use it often. She would make it available to any department that needed it.

Finance:

- Hire one full-time Billing & Collections Clerk – completed
- Hire one full-time Accounting Coordinator – planned for second half of fiscal year

Finance and Personnel Director Tammie McMichael said in the current budget, funding had been planned for the two positions. The accounting coordinator would work with Assistant Director Amy Winn as Ms. Winn prepared for her retirement. Both of the positions had been filled. They were very honored to have India Taylor in the Billing & Collections Division and Michelle Wyatt, who was there in the meeting, and was training with Ms. Winn. She thanked Council for funding both of the positions.

Information Technology:

- Transition office licenses to Microsoft Office 365 – planned for second half of fiscal year
- Completed laptop and desktop lifecycles

Information Technology Director Kevin Taylor said that year Microsoft Office licenses were being transitioned to Office 365, the cloud service offered by Microsoft. It would get the City out of the email business as the email would be moved into the cloud, no longer tying that to a physical server. It also opened up a tremendous amount of collaboration tools that the City did not currently have with the Microsoft Office licenses. The laptop lifecycle replacements had been completed and the desktops were on site with two deployed so far and the rest would be completed by the end of April.

Division of Design and Construction:

- Hire professional services to design replacement of Park Road bridge/culvert – planned for second half of fiscal year
- See memo on large projects

Design and Construction Manager Bev O'Dell said there were funds budgeted for him to contact an engineering firm to look at the possible replacement of the bridge on Park Road with a culvert. Last year about this time, an inspection had been done and issues were found. The firm who did the inspection was who he had been talking with off and on. They still had not come to a final resolution on if they would be doing the work or not, but the last time he talked to them they were still very interested so he was going to try to finalize that in the next little bit. On the water construction side, he had some funds that were budgeted for hiring a firm to do surveys and design work on a couple of streets. They had picked Ray and Riverview streets that would be done shortly. Some of the work that had already been done was still in the works for C&D to put in the ground. There were about three of those projects that should have already been started. One that had already been designed – Maryland Avenue – was what they would be requesting funds for in the upcoming budget for the materials. They had already purchased the materials for Circle Drive I and II and Maple Lane. On a good note regarding the Phase II waterline project that had been going on forever that had been stopped by RailPros, they were able to finally able to get the bore done under the railroad east of Dry Creek early in March and yesterday had put in the last stick of 16-inch pipe for that. Today, they were working on putting in some concrete thrust blocks. Then the line would be loaded and tested. That project would soon be done.

Planning & Community Development:

- Continuation of small area plan funding – Draper Small Area Plan ongoing

Planning & Community Development Director Kelly Stultz said her department had always been pretty small and so had a tremendous amount of turnover within the last year including two retirements, one resignation to go to a different place and one employee reassigned. The only two people left in the department that were there a year ago were herself and Chief Codes Inspector Bob Vincent. Mr. Mendenhall had reorganized the department in a way that she thought was working extremely well and much more efficiently. Chase Lemons was doing grant work and economic development stuff while Ken White was working on economic development and Main Street. Jeff Alderman was hired as the new planner, taking Debbie Galloway's spot. GIS Analyst Debra Madison had returned after retirement for a few hours a week to work on GIS. She thought they were making progress with grants. The Leaksville small area plan was finished in the last fiscal year and they were very close to being finished with the Draper one. The final draft before it went to the citizens and the Planning Board was in hand and those meetings would be scheduled after Easter. The plan would come to Council for approval after the Planning Board. The bids had been let finally for the Draper CDBG-Neighborhood Revitalization and she thought they would get started on a house in a couple of weeks and were pretty excited to start to see some progress on that grant. The department was extremely busy but it was a lot of fun. It was an election year so local code enforcement would be at the top of everyone's minds. The City had paid their money in 2019 for the sidewalk on Pierce Street. NCDOT was supposed to be let this summer.

Parks & Recreation:

- Prowlers Rebranding Efforts – three youth sports offerings (baseball, football, basketball underway now)

Assistant Parks & Recreation Director Ray Thomas said rebranding was underway. Baseball and softball were currently underway with 121 total players signed up, 74 boys and 47 girls. Football would then be coming up followed by basketball. He thought everything went pretty well and was running smoothly. They had good coaches and people who had stepped up to the plate.

Council Member Kirkman asked what rebranding the Prowlers was.

Mr. Thomas said the City had taken the Prowlers under its umbrella and were looking after it.

Council Member Ellis said it was the first full year.

Mr. Thomas said it was. It was going well. They had some good people take the reins and run with it. They were in good shape with that.

Police:

- Radios – procurement underway (ordered)
- Cars – procurement underway (ordered)

Police Chief/Assistant City Manager Clint Simpson said there were some capital outlay items for 22-23. One was to remain in the 10-year plan for vehicle replacement purchasing five vehicles, three patrol and two detectives. All vehicles had been purchased and were on site. Two patrol vehicles – Durangos – were outfitted and in service. Three new F-150s had been purchased. Two would be assigned to the investigative unit and one would be tested in the field on patrol. They were scheduled for upfitting in the next three weeks. Regarding the Viper TDMA radios, to become compliant by July 1, 2025, all radios had been purchased and were deployed with the exception of about five which they would hold and use as vehicles got rotated out instead of paying to have the radios installed twice. They had all the radios and they were working extremely well.

Fire:

- Repair metal work on roof at Fire Station 3 – planned for second half of fiscal year
- Self-contained Breathing Apparatus (SCBAs) – procurement underway (ordered)
- Repair Station 2 (not a goal from last year, but a project developed based on emergent circumstances)

Fire Chief White said the repair of Station 3's roof was budgeted in 2022-23. Three bids were submitted. Big Dawg Roofing won the bid and were supposed to start the work March 21. The SCBAs were ordered in early December. They were projected to be here in March but due to delays were set to be delivered in June.

Council Member Ellis asked if they were a change from what had been used in the past.

Chief White said yes, they went with Scotts. He did not have an update on Station 2. He did not know if it was a funding problem, if they were waiting on grant money. He did not know what the holdup was on that.

Council Member Ellis asked if the plans were back for the person who was finishing the project or if they were on hold.

Chief White said he did not have any plans. He met with Ms. Stultz and Mr. Thomas at the end of December or first of January to determine exactly what they wanted. He had not heard anything since. They met to determine things like types of flooring they wanted, etc.

Council Member Ellis asked Ms. Stultz who was doing it.

Ms. Stultz replied from the audience that currently, the architectural firm was dealing with the plans. Originally it was Cirrus Construction. She expected to have the documents that week from the architectural firm. Those had to come from an architect. Once the plans were received, it would have to be rebid.

Council Member Ellis asked if Cirrus bid on it to begin with.

Ms. Stultz said they did. The work was stopped. Cirrus would be eligible to bid on the rest of the project.

Council Member Ellis asked if bids had been sent out.

Ms. Stultz said not yet, she was waiting on the architect.

Council Member Underwood said he would like to see the project expedited.

Ms. Stultz agreed.

Chief White said he knew the truck bay had been repaired.

Streets:

- Dump truck – ordered in 2020 (previous budget goal) – delivered

Streets Superintendent Darren Gatewood said in the process of being delivered, the motor of the truck came loose. Fleet Maintenance Superintendent Jason Barnard had worked it out so the City got a whole new dump truck. That, and Covid issues, had caused the delay. Everything was now good.

Council Member Underwood said he thought a tandem dump truck had been budgeted for that year. He asked the status.

Mr. Mendenhall said it was budgeted in C&D as well as a rubber tire excavator and he wanted to say a chipper as well. None of that had been procured. They were looking at the construction crew to see what was needed and what was working there. The thought process was they were going to rent equipment for a while to see how that all worked and let them get started. They had rented equipment for the fuel system to be done. Looking at the number of dump trucks the City had, they felt there were sufficient numbers right now. It was not optimal for construction, but they needed to get a little construction experience under their belt before they started expending money and purchasing those assets. They were waiting to see how it all shook out.

Council Member Underwood said he did not think the City had a tandem.

Mr. Mendenhall said all the dump trucks were single axle and asked Mr. Gatewood if that was correct.

Mr. Gatewood said it was.

Council Member Underwood said he believed there was a need for that but they would see.

Collection & Distribution:

- Dump truck chassis replacement – procurement underway
- Removal of Byrd Street elevated storage tank – in progress

Fleet Maintenance:

- Fuel system – procurement underway

Mr. Barnard said the fueling station was under contract through Sourcewell and Blue Energy. PetroServe and Foy-Workman would be doing the install. Equipment was six to eight months out.

Council Member Underwood asked if that would be taken care of out of the current budget.

Mr. Mendenhall said it should be. The fiscal year ended June 30. If it exceeded that and went into the next fiscal year, what was spent that year would go to retained earnings and they would have to re-appropriate the balance. For instance, if it cost \$100,000 – and he wished it cost that but it was a whole lot more – and the City only spent \$50,000, \$50,000 would go into the savings that year to be re-appropriated out of savings for the balance into the next year if it bridged the two fiscal years.

Council Member Kirkman said they had budgeted \$500,000 for it. He asked what the actual costs currently were.

Mr. Barnard said the purchase order was for \$732,103.

Council Member Kirkman said they were up a quarter million dollars.

Council Member Underwood asked why there was so much difference.

City Attorney Erin Gilley said she could speak to a little bit of that. The original bid came in and it went up because the contractor that was desired did not have a North Carolina contractor's license and that was required. It cost more. Anything over \$300,000 by statute had to have a performance bond and a payment bond. That went up about \$18,000 so there was increase in costs there. That was why they may not have it completed in the fiscal year. The contract had to be done right if they wanted that particular person to do the job. That was a portion of the increase in costs. She did not know what the extra would be.

Mr. Barnard said it was a material increase.

Council Member Ellis asked about the contractor requirement regarding the state.

Ms. Gilley said they had to have a N.C. contractor's license and they did now. The contractor went back and subcontracted with a N.C. contractor to do the job.

Council Member Kirkman said Petroservice was in Summerfield.

Ms. Gilley said she thought who they were working with was Blue1 out of Virginia. They needed a N.C. contractor's license and that was Foy-Workman, who the City was actually contracting with. Petroservice was who staff wanted.

Solid Waste:

- Knuckle boom truck – procurement underway

Solid Waste Superintendent Dusty Curry said the needed knuckle boom had been ordered. He appreciated the approval to purchase that and was just waiting on delivery.

Water Plant:

- Painted two sludge scrapers
- Replaced two valves
- Replaced PLCs

Utilities Manager Melinda Ward said one of the sludge scrapers had been painted and they were waiting on warmer weather to do the other and would try to paint another one at the same time, dependent on how the work went, the weather and money. Two valves had been replaced. She thought they were working on the PLCs and deferred to Water and Wastewater Superintendent Dena Reid.

Ms. Reid answered from the audience that the PLCs went to the generator and had not been completed yet.

Ms. Ward said they were still having problems with the generator but were in the process of getting the work done.

Water Resources:

- Ongoing support of EPA AOC related pump station replacement

Ms. Ward advised they continued to help with crews on the EPA work.

Wastewater Treatment Plant:

- Order replacement for bar screen
- Design of north basin replacement

Ms. Ward advised the bar screen for the replacement had been ordered and they hoped it would be there by the end of the month or at least by the beginning of April. The north basin replacement work was in the process of being designed. Everything had been funded and they were just in the process of waiting for the design work to be completed so they could review it and start that process. Hopefully it would be going out to bid by the end of the year but it depended on how long it took everything to go through. She noted the Byrd Street water tank had been removed and staff was working on cleaning up the yard around the area.

Council Member Underwood asked where the funding for that came from.

Ms. Ward said she believed it came from water and sewer construction.

Mr. Mendenhall said it came from C&D as part of the distribution system.

Review of the budget process – the anticipated timeline for budget ordinance adoption, conditions facing other localities, revenue discussion, etc.:

Budget adoption schedule:

Tuesday April 18, 2023 Regular Meeting – Budget Presented – Budget Message

Tuesday June 20, 2023 Regular Meeting – Public Hearing and Adoption of the Budget Ordinance

Conditions facing localities

- This is the fourth year past re-valuation; the next re-valuation will be in 2024 (a move forward 3 years to accommodate an assessment to sales ratio of 85% or less).
- It is recommended that conservative budgeting continue and that this budget be a continuation of previous spending patterns adjusted (as necessary) to account for material inflation and for the previously identified projects in the Capital Improvement Plan.

Personnel

- Review pay study recommendations.
- 2% cost of living increase.
- Up to 3% merit on a graduated scale, based on performance evaluation is recommended.

Discussion

- Administration would like to propose no tax increase this year.
- Administration would like to propose no fee increases this year:
 - Additional rate increases may be necessary only if vendors raise rates (e.g. solid waste).
- As a matter of practice, Council will be asked for a general direction and instruction to the city manager on preparing the budget and establishing a tax rate so that revenues can be estimated and budgeted; this will occur later in the day today.

Mayor Hall called on Mr. Mendenhall.

Mr. Mendenhall said the budget schedule was being adjusted this year. The budget would be presented at the April 18 regular meeting with the budget message presented to Council. June 20 would be public hearing and presentation of the budget and ordinance. It would be adopted as required by law prior to June 30. He read from the conditions facing localities points and advised the next revaluation would be effective not in the upcoming fiscal year but in the next one. As they all knew, taxes were raised based on valuation but

also based on rate. It was like a two-level type system. Values more than likely would go up. The tax rate would have to be looked at which was where the discussion came in about revenue neutral or not. First, people would receive the notice of reassessment and would see that their values went up. That could create a bit of heartburn because they thought their taxes would go up, multiplying that new value by the current tax rate. People needed to keep in mind that in N.C., it was required by law to publish what a revenue neutral rate would be. It would be up to the governing body if they wanted to set the rate revenue neutral or keep the rate the same or a compromise in the middle of those. People did not need to get excited that they would be paying more in taxes because they may not be. He continued reading from the conditions facing localities. The City was seeing very high material inflation, with the fuel system and every stick of pipe was much more expensive than it had been. It would have been a good investment three years ago if they had bought tons of water and sewer pipe because the value was very high. Bid returns were coming in very high, including across the region and state. Every time they went out to bid, there were fewer bidders and the prices were higher so that needed to be accounted for in some of the operating lines. There were projects that were in the CIP they needed to be sure to budget. Some projects needed to be advanced because of maintenance and ongoing maintenance concerns and also the timeliness of implementing some capital items. It seemed like things were taking much longer. A third emergent item under conditions was financial uncertainty in the broader macro-economic environment. The bank situation was very fluid and subject to change. The financial picture on revenue was not going to be in a steady state type situation. Revenues and tax revenues in North Carolina were good but the City needed to be very careful not to overextend themselves in such a way to bring risk in the time of adjustment and uncertainty in the banking situation. He wanted to put that out there to everyone as a cautionary tale. He moved to the personnel item. A memo reviewing the pay study recommendations had been given to Council that morning. Ms. McMichael would talk to Council and make a recommendation on that. Council would have to decide whether to take the recommendation in the memo which went along with the second and third bullet points. If Council decided against the recommendation, it would invalidate those two bullet points. Council had directed staff to get pay study prices and staff did. As they did every year, staff studied the N.C. League of Municipalities (NCLM) pay study information. Based on that information, and they knew in a steady state they could budget and had the money and revenue to budget for it, staff recommended a two percent cost of living increase and up to three percent merit on a graduated scale based on performance. That could be budgeted. They could take the percentages and multiply it across the board. If they went with the pay study recommendations there was uncertainty in how much they would have to pay. The cost of the pay study was one thing, very doable. The real cost would be implementation costs of whatever they came up depending on regional comparisons. Administration recommended doing the known costs versus the unknown costs.

Council Member Ellis asked if the NCLM prepared a study for all cities in the state each year.

Mr. Mendenhall said they did a salary study broken down by size and unit. It was voluntary with about 75 to 80 percent of municipalities participating. They had every position, how many were in that position, how much they were paid, the minimum and maximum salaries. They all used about the same job descriptions so it was all compared apples to apples. The NCLM hired the MAPS Group, using member dues, to conduct the salary study annually. The NCLM then published it looking at salaries, fringe benefits, the whole component of compensation.

Council Member Ellis asked how long the City had been using the salary study from the NCLM.

Mr. Mendenhall said at least during his tenure and he thought it was annually for the last 20 years, which Ms. McMichael confirmed.

Council Member Underwood said he would like to see them do what was best for the employees. They were the backbone of the City. They did a good job and he addressed them in the audience and thanked the employees for what they did. He wanted to see what was best for them and that was money.

Council Member Epps said he would like to see the City make up for what they had to subtract previously and go a little higher than two percent if that was possible. He would like the two changed to three percent.

Mayor Hall asked if that was going to take the budget out of balance.

Mr. Mendenhall said it would have to be looked at but it probably would.

Mayor Hall said the money would have to be taken from something else that was budgeted.

Mr. Mendenhall said that was correct. They did need to make sure everyone was of one accord on that. There were multiple ideas around the dais and he wanted to make sure everyone had their chance to speak and direct as needed. He asked for direction.

Council Member Ellis said it was important to maintain a balanced budget as the mayor had just said. If the funds could be found for up to three percent, he would like to see that happen but he did not want to see other important items cut. The City needed to maintain its history of having a balanced budget. That was up to Mr. Mendenhall.

Mayor Hall told Mr. Mendenhall that he had basically already created a balanced budget assuming a two percent increase.

Mr. Mendenhall said that correct.

Mayor Hall said to take the increase from two to three, Mr. Mendenhall would have to take funds from something already planned in the budget and put that toward the increase. He did not know department or item someone was asking for was going to be the victim of the money.

Council Member Underwood asked how much problem that would be for Mr. Mendenhall to look at.

Mr. Mendenhall said he could take a moment and tell Council exactly what one percent cost.

Mayor Hall noted by statute, the City had to have a balanced budget. The problem was if they took money to increase one pot, it was taken from another one.

Mr. Mendenhall said staff would bring the item back.

Council Member Kirkman said staff could get up to a three percent merit so an employee could get up to five percent. He wanted it to be left as it was, stay balanced and move on.

Mr. Mendenhall read from his discussion item.

Council Member Epps asked how much an increase would be if vendors raised their rates.

Mr. Mendenhall said he thought it would be \$1 per year. They were in a \$1 increase for five years and were in year four. There would be one more the following year and should be where they needed to be. At the end of the meeting, Council would be asked for general instruction and direction for the city manager on preparing the budget, establishing a tax rate so that revenues could be estimated and budgeted.

Council Member Nooe asked where the charge for outside water and sewer users fell, if that was a fee.

Mr. Mendenhall said it was a fee adopted in the fee schedule annually. The schedule covered everything from parks and rec fees to water and sewer customers and it was in that.

Council Member Nooe said instead of saying no increases, he would like to review those and see if they needed to modify any outside city user fees.

Council Member Ellis said he thought in recreation, they may need to look at outside city user rates. He thought a lot of people came from outside the area to use it, including Virginia. He thought it may be the only public pool open in the area.

Mr. Mendenhall said he believed it was the only public pool open in the county. There were a lot of people from the county and Virginia, maybe up to half some days. The fee discussion may need to be brought forward soon so Council could look at and talk about it so it could be incorporated into the budget. Fees sounded bad to the public but a lot of the City's revenue was generated based on user fees – outside users, recreation users, even inside rates of what people paid, everything was tied to a fee. If Council started adjusting fees up, they would start adjusting revenues up. If fees were adjusted down, they were accordingly adjusting revenues down. Staff would need to do a fee presentation, maybe at the regular meeting in March, so there would be enough time to look at the fee situation.

Council Member Nooe said when there was discussion about the pump station, there were fees being charged for sewer that were in line with what residents were paying. He did not think that was where they needed to be on that.

Mr. Mendenhall said staff would bring that and recreation fees forward.

Council Member Epps asked if that would jeopardize doing business with outside companies if Reidsville offered them a better rate.

Mr. Mendenhall said he did not think so on water and sewer because there was only one vendor. Typically on the water side, it was either the City or Dan River. Reidsville was not in the picture. On the sewer side, it was typically just the City unless it was the county line that went to Hilltop Store and to Wentworth. The General Assembly had looked at for a couple of years a historic practice that if someone lived outside the corporate limits and were not paying corporate taxes, utility rates would automatically be doubled. That was really where the City was unless there was a contract rate like the water and sewer contract with the county. There were a lot of people in the General Assembly who took umbrage that people outside the limits had to pay double. To date all those bills had failed but they could be brought back up. If they were, they would be addressed at that time. He just wanted Council to know that moving forward.

Mayor Hall said going back to personnel, he wanted to make sure it was understood that there was an estimate of \$25,000 to hire the MAPS Group to do the study. It was the same company that already did it for the NCLM that the City paid dues to. He asked if they agreed that they were not hiring the company to do the pay study. He asked Mr. Mendenhall if it was correct that the MAPS Group would not be hired.

Mr. Mendenhall said that correct. Ms. McMichael would make a presentation to Council shortly and he believed the recommendation was to do what they had always done in house, utilizing the NCLM who had always utilized the MAPS Group.

Departmental requests – Council to hear requests by departments grouped by functional area:

Marketing:

- Two additional festivals to be added to the calendar

Ms. Adams said she had been to two great conferences the past week. Friday, she went to the Piedmont Legacy Trails Conference in High Point. It was amazing. She got home last night from the Main Street Conference in Statesville. It was very inspiring. She had lots of ideas for things she would like to implement and would talk to Council about in the future. The state was on the move and a leader in a lot of things, particularly in Year of the Trail. They were a go-to for that and had partnered with some great organizations in the county. Two new events had been added, both in April. On April 1 was the first ever Native American Youth Powwow. It had gained so much momentum across the state. There were kids coming from Montana and all over the eastern part of the state. There were 50 dancers contracted for it. There would be drums

and Aztec dancers. People from all over the county and beyond were talking about it. She thought there would be an incredible crowd there. It would be in Grogan Park. She had talked with Chief Simpson about having traffic control at the corner of Pierce Street and Stadium Drive. She had talked to the high school about using all of their parking and the officers would help visitors get across safely. In case of rain, the gym at the high school had been secured. She gave a shout out to the Rockingham County and North Carolina Arts Councils who had put money into it. Three weeks leading up to the powwow, Native Americans had been in the school system talking to students, showing pottery, demonstrating drums at Rockingham Middle School. A lady in full regalia talked about dreamcatchers and students got hands-on instruction in how to make them. Ms. Adams met a teacher the previous Friday who was so thankful for the experience saying the students and teachers had enjoyed it so much. It was a once-in-a-lifetime kind of experience for them. When the banners for the powwow were put up, the organizers told the City to keep them for next year. That was impressive that they liked what staff had done so far. She thought they would be impressed by Grogan Park which would be pristine and ready for visitors. The arts council put in \$15,000 in order to bring the artists in, bring in four mentors for the kids on site at the powwow. It was an incredible contribution. Tourism had contributed money and the actual Blackhawk Nation had raised money as well. She hoped Council would attend. The second event was the Year of the Trail presentation with things planned all year long. There would be some public art installation, some gatherings and trail building. The county had really jumped on it. There was a 15-member committee working on it including the Dan River Basin Association and parks and recreation directors. Everyone had come together to make it really nice. The big kickoff was the Trails Day Weekend from April 21 through April 23. On Friday, it would start at Reynold's Brewery with fun, food, live music and a twilight hike on the greenway which included headlamps for the walkers. On Saturday, there would be seven scheduled hikes across the county including Eden. There were foot trails, bike trails and paddling. There were opportunities to do things all day long. They were partnering with the Eden Chamber of Commerce that night for Sip, Shop and Celebrate the Year of the Trail. They were bringing merchants into it who would be open late. There would be educational opportunities. There would be live music and beverages and food tastings. It would be a great night downtown. On Sunday, there would be self-guided hikes. Staff had worked with the county to produce a beautiful rack card. She thanked them for doing that and publishing it. It was a checkoff list with all the trails in the county listed. It could be used all year long. The City had ordered swag, including cups that would be used at lunch that day. They would notice stickers on businesses. Year of the Trail was designated by the governor. People all across the state were doing things just like they were to bring awareness to trails just like the City was. Trails were economic drivers. The state, governor and legislators had recognized that. They needed more connectivity. She encouraged Council if opportunities came up down the line and it was affordable to connect the City. It got people out and connected from one part of the town to the other. There had been discussion at the Main Street Conference about connecting trails to the downtowns. It did cost money but there were ways to do that. She hoped Council recognized the importance of not only the walking trails but the paddle trails and what they meant for the City.

Council Member Epps said there was a calendar on the webpage. He would like to see all the events listed there.

Ms. Adams asked if he was talking about the Visit NC calendar and noted that was being added to every day. The Trails Day Weekend had been added that week. The Visit Rockingham site collectively had everything listed in the county. The list of things going on all year long was impressive.

Council Member Underwood asked Ms. Adams about the EDDI resolution regarding tourism funding.

Ms. Adams advised the EDDI was the Eden Downtown Development Corporation. They were part of Main Street and did a lot of work in the downtown areas. A lot of the members of the group were her key volunteers at events. Fundraising had become a challenge. The cost of events had gone up tremendously. They did not want to go back and take anything away from events, they still wanted to grow. There was an effort to get more funds coming from the City's general fund into the tourism account. Tourism money was collected from the occupancy tax from the hotels. That funded part of her salary, all the marketing, the

website design, ads and different things, all separate from events. Tourism put in \$25,000 to \$26,000 into events to supplement those. She raised the rest of the funds. Ms. Winn had been kind to set up separate accounts for each event and they all had their own budgets. Collectively, there was \$128,000 that had to be raised to put the events on. Tickets sale fees could be backed out for Oink & Ale and Grown & Gathered. It still left about \$115,000 that had to be found. The EDDI recognized that and how hard it had become. It was a challenge with all the work she had to do in marketing, communication, tourism and special events. It was a grassroots effort out of that group.

Council Member Underwood thanked Ms. Adams and said he thought Council should do everything they could to help her as a group.

Finance:

- Pay study recommendation

Ms. McMichael wrote in a memo: Staff has received two salary study proposals. The MAPS Group is willing to do the salary study for \$25,920 plus itemized expenses for mileage, lodging, printing and supplies (estimated at around \$2,000.00) and actual travel time at \$25.00 per hour-this price is good through June 30, 2023. They are currently booked at least through August 2023, so they do not know when they could start. The process typically takes somewhere between 4 and 5 months. The Piedmont Triad Regional Council proposed \$36,000. They would start the salary study in July 2023 and present the final summary in November 2023. In the past, staff has completed our own salary study using the data from the North Carolina League's salary survey. We have completed this comparison for the 23-24 Budget. If the proposed 2% Cost of Living Pay Increase is approved, we believe our current Grade and Positions Classification is in line with other municipalities our size. Should Council want to move forward with a salary study it is Staff's recommendation to move forward with the MAPS Group.

Ms. McMichael said the city manager had given a good introduction to the salary study proposals that were received that Council had requested. The City wanted to make sure their current pay was competitive to what other cities were paying. Council could see on the memo that prices for people to come in and look at the job descriptions, job titles and pay categories just to make sure they were in line with other cities who had people doing the jobs the City had. The MAPS Group would do it for \$25,920 plus itemized expenses which may increase that another \$2,000 plus travel time. It would probably take them four to five months to do the study. Their price was good through June 30. A proposal from the Piedmont Triad Regional Council was \$36,000 and look at job descriptions, job titles and what the pay was and compare it to others. She had been with the City 18 and a half years and they had always used the annual salary survey done by the NCLM, which used the MAPS Group, and compared it to the current pay grade and classification. The last couple of years when pay increases had been given, it was for employee retention, more than the City not being in line with other people. It was hard to get people to work. When she first started, an advertised job would have 100 or more applications. If they received 20 applications now, they were doing good. The City had good employees, good benefits and she felt like good pay. The City needed to continue to take care of them but could only do that to the extent it could afford to pay them. They could pay someone to come in and do a study. She asked how it would be funded if they told the City their pay was way behind. She asked if they would increase their taxes or water and sewer rates. She agreed with Mr. Mendenhall that 75 to 80 percent of other municipalities participated in the NCLM survey, including Eden. Staff believed, if the two percent were given and the merit increase was between one and three percent, that every position the City had would be in line with other municipalities the same size. She asked if anyone ever was paid enough for what they did. There were good people who dedicated their lives to the City in providing good services to the citizens. The City realized they could only afford to pay the money they had. Staff's recommendation was to continue using the NCLM survey but it was completely up to Council and staff would honor their request.

Council Member Underwood asked if there was a fee for the NCLM survey.

Ms. McMichael said there was not.

Council Member Underwood said there was then no question for him. He thought the City needed to cut out all wasteful spending, because there was some. He asked if they would get the same results using the NCLM survey.

Ms. McMichael said that was correct.

Council Member Epps said he agreed to go with the NCLM survey as well.

Information Technology:

- No requests

Division of Design and Construction:

- No requests

Planning & Community Development:

- Small Area Plan Draper
- Downtown initiatives/façade grants/supporting funds
- Funding for appointed boards and commissions (based on project submittals)

Ms. Stultz said staff hoped that year to continue and finish with the Small Area Plan projects. They had some downtown initiatives, façade grants and supporting funds for that. Staff requested funds for boards and commissions for projects they had submitted.

Mayor Hall said he would like to get back to funding the commissions that had been established. He knew it was not something Ms. Stultz could really control. The City had created these groups of volunteers and asked what they would like to do. For the last two years or more, the City had said they could not fund the projects they brought forward. In Mr. Mendenhall's defense, because of Covid, they did not know if they would have funds to do anything. He would like to see them start funding the requests of their citizens again.

Ms. Stultz said all the volunteers would appreciate that.

Council Member Ellis agreed with the mayor. The members were citizens and volunteered their time for the City. The City could at least inspire them to continue to help.

Ms. Stultz agreed. It was hard to keep them motivated when they had no way to move through a project. She appreciated it.

Council Member Moore said they were limited in what they could do and could not really do anything if they did not have the resources to do it with.

Ms. Stultz said she was certain if someone came up with a rocket sort of project, they could come back and ask for funding but what they were asking for were fairly small and concrete things they could do.

Parks & Recreation:

- Concept of senior center addition to Bridge Street

Mr. Thomas said there had been discussion about this addition at the Bridge Street Recreation Center. He had spoken with Mr. Vincent about the construction. Mr. Vincent had steered the construction toward metal because it cut down on costs. There would be no need for an engineering design and the building would already be stamped. There would be a concrete floor. If the floor were polished and stained, there would be no upkeep. It could be made nice for the seniors with art rooms, a large multipurpose room and bathrooms. There were a lot of seniors in Eden.

Council Member Ellis asked if the Bridge Street Rec was handicapped accessible.

Mr. Thomas said it was and an addition would be as well.

Council Member Ellis asked where it would be located.

Mr. Thomas said it would be off the community room that was there now. That room was rented and used by Meals on Wheels. A breezeway could be placed between it and the addition. The addition could be nice with a brick façade and nice windows.

Council Member Ellis asked what would happen to the building in Spray.

Mr. Thomas said there had been different ideas about it, including renting it out as they did the CB Hut. It would still be used. The seniors were packed in the Spray building. A lot of people used it.

Council Member Ellis asked how many people used it, if there were 50 people a day.

Mr. Thomas said probably so. He visited the other day and there were 25 or 30 people in there playing cards and sitting around talking. Taxes were done there too. It was a good thing.

Council Member Underwood said the City needed to look after the seniors.

Council Member Kirkman said he was still confused on where the addition would be placed.

Mr. Thomas said the basketball courts were on the left. It would be where the shelter was and come back toward the road.

Council Member Epps asked what size it would be.

Mr. Thomas said they had looked at two different sizes: 30 x 40 and 40 x 50. Any bigger would take up a lot of area there.

Council Member Epps said 30 x 40 sounded good.

Mr. Thomas agreed. It would be 1,200 square feet. If it was set up and used right, there would a lot of room.

Council Member Ellis asked if Mr. Thomas had numbers yet.

Mr. Thomas said he had talked with some people about it. An unfinished building only was \$20,000 to \$30,000 put up. He did not get into other details because he tried to get information on the building.

Council Member Ellis asked if employees could work on the interior construction.

Mr. Thomas said the City could design it the way it wanted and set up the offices how they liked.

Mr. Mendenhall said the City did not have enough electricians and mechanical people to do some of the trades-type work. He said it was a question of utilization if they could get it done in a timely manner. The City would have to hire trades people, electricians, plumbers.

Council Member Ellis understood that. He asked if there was anyone capable of building the rooms and such.

Mr. Thomas said if time allowed, staff could do some of that.

Council Member Epps suggested folding divider doors would be better in one big open space rather than putting up metal or wood walls.

Mr. Thomas said that was something they would have to look at as they got further into it. It would have to be designed the way Council wanted it. Buying a metal structure would mean they would not have to hire an architect. The building would come stamped.

Police:

- Implement Police Apprenticeship Program

Deputy Police Chief Paul Moore said since 2020, law enforcement agencies across the U.S. had faced difficulty with retention of the officers they had and recruitment of new officers. Eden had faced some of those challenges as well. In response to those, the department looked at some of the things they could do better. Staff came up with the Eden Police Department Apprenticeship Program. It was in partnership with the Training and Standards for N.C. who offered a scholarship program. The department had been in the schools, ran recruit visits, and were looking for a student who would be qualified for that scholarship on a two-year police-related program. The department would hire them to work part time to bridge the gap from their graduation at Morehead High School until they were old enough to attend a BLET program. It seemed to be one of the best sustainable answers. They would start recruiting students out of Morehead High School, getting them at the department and teaching them the insides of the department. By the time that person was ready to go to BLET at 19 and a half years old, the department would send them to BLET as a paid trainee and when they graduated, they would work for the department. Staff felt it was very beneficial and they would actually be able to recruit from home. That was their best option at that time.

Council Member Ellis asked if they were starting out with only one.

Deputy Chief Moore said currently they were only looking at one. If they had interest, they would speak with the city manager about expanding the program because they needed officers. As a pilot program, the concept was to begin with one. There was not the same interest in law enforcement that there once was. The students who were looking to be law enforcement officers were looking to go to four-year universities and leave the area. Several students had been identified at Morehead who were interested in applying for the position.

Council Member Ellis asked if it was at Rockingham Community College (RCC).

Deputy Chief Moore said in theory, if they applied for the grant through the state and were selected, there was a high chance they would be selected to get their education at RCC paid for. They would go to RCC for that program and come back to the department to work in the agency. It was a way for the department to keep them interested. The gap needed to be bridged between 18 to 19 and a half when they could go to BLET and could test at age 20. It was a great way to bridge that gap and become part of the department's culture and who they were as a family.

Council Member Epps said it sounded good. In high school in Florida, they were called junior deputies. He ended up being a deputy later. It was a good process.

Council Member Underwood asked how the attendance was in BLET overall, if it was dropping off.

Deputy Chief Moore said it was a huge issue. When he attended, there were 25 to 35 students in every BLET class. He thought there were four left in the current program. The interest had fallen off. The department was working to do better on their end to build that program back up but it would take time.

Council Member Epps asked if the department would be the sponsor for the person going to BLET.

Deputy Chief Moore said yes.

Council Member Underwood said they needed to focus on that because it was where the future lied.

Mayor Hall said if Training and Standards was behind the program it would not have any kind of insurance implications. He asked if they had seen it work before.

Deputy Chief Moore said Training and Standards was behind the fellows program for the education, which would be separate and apart from what the department would do in the apprenticeship program. The apprenticeship program would be run just like all other part-time City employees.

Mayor Hall said he would love to see it be a Morehead or multiple Morehead students but he thought staff may need to look at Rockingham County High School since they had the emergency services program.

Deputy Chief Moore said that was the goal. They wanted to focus here to start. If they had local kids at Morehead they wanted to get to them first.

Mayor Hall said if they saw the kids at Rockingham were in that academy, they knew they were interested in some form of public safety.

Deputy Chief Moore agreed and said they were extending it to RCC's criminal justice students as well.

Fire:

- Implement Fire Apprenticeship Program
- Fire Officer life safety upgrades and health risk management

Chief White said the department wanted to separate the deputy chief and fire marshal positions and add three firefighters. Having a full-time fire marshal would take a ton of work off the deputy chief. As it stood now, the deputy chief's role was to oversee the day-to-day operations assigned by the chief, oversee inspections, oversee training for the department, fire investigations, fire prevention, and help with administrative work. Over the last several years, the deputy chief had been on call 24/7 365 days a year without relief. With the rapid increase in call volume and investigations, the position had been overwhelmed with investigations of origin and cause. With the multitude of job functions of the deputy chief, it was hindering the successful completion of any one task of the job. The response of the part-time call force firefighters had dwindled tremendously over the years and the number of personnel needed on scene per ISO was 4 per engine and ladder company; therefore, making a response of 16 total. The part-time call force personnel only counted as a third of a full-time person, so it would take three part-time staff being on scene to equal one full-time position. This addition would also allow the shift captain to be able to perform the duties as a company officer on the way to scenes and on arrival, which included doing a complete 360-degree evaluation of structure, giving command assignments on the way to calls and while on scene. It would also allow the captain to not have to pump a fire, set up water supply, or driver duties instead of captain duties. The second item was due to health and safety factors of the employees, the department was looking to replace the command staff vehicles. The current vehicles were 2009 Chevrolet Tahoes. The purpose of replacing them was safety precaution to the employees. There was no way to separate the personnel from the contaminated turnout gear and evidence in the vehicle. The contaminated gear had to stay exposed to the interior of the cab. With no separation between the cab and the rear compartment and the ventilation system continuously circulated contaminated material and particles throughout the vehicle. With the rise of cancer-causing agents in structure fires, the current method of storage was putting employees at higher risk. Staff was looking at Ford F-150s that would enable them to put the gear and evidence in the back of the vehicle, separating the employee from the contamination.

Council Member Ellis asked how many miles were on the vehicles.

Deputy Chief Slaughter answered from the audience there was a little over 100,000 on one and 86,000 on the other.

Council Member Underwood asked what would be done with them.

Chief White said they could be sold on govdeals.com unless another department had use for them.

Council Member Underwood said Mr. Taylor was indicating his department needed one.

Chief White said if the vehicles could be purchased, they could make that happen.

Council Member Underwood asked where the department was on getting the radios.

Chief White said they had the estimates in and were waiting on authority to order. They were looking at 16-18 months wait time.

Council Member Underwood noted 2025 was coming and would be there before they knew it. They would cut that switch whether the department had radios or not.

Chief White said they would get into the radios in another presentation.

Council Member Epps said when he was in Statesville, fire departments would go to industries and do practices with the employees. He asked if the City did that.

Chief White said they could. They were looking at expanding their public education and looking at ways to get the public more involved. They did go to nursing homes and daycares and do yearly fire inspections with them.

Council Member Moore asked if the department had their own props.

Chief White said they were working on those now. He had reached out to Signs and Trophies for an estimate on doing wraps on a 4 x 8 piece of plywood, which he thought would be better with less upkeep than them having to paint props.

Council Member Underwood said he was mainly referring to the fire extinguisher prop. He thought the department needed their own.

Chief White said he was currently working on filling out a grant for it. The department really wanted to get a fire extinguisher prop and a sparky outfit. The grant application was due by the end of the month.

Council Member Underwood said he would like to see them focus on that.

Council Member Ellis said there was a new grant writer who hopefully could help.

Chief White said he had been in touch with him. They were working together on it.

Council Member Underwood said he thought the grant writer was doing the City justice.

Council Member Ellis said he was happy with Chief White and the fire department. He liked that Chief White was trying to upgrade and keep the firemen, especially with Purina starting up. He hoped he could hire the three positions he was asking for.

Council Member Underwood said he would like to see him get more.

Chief White said he would like to get more too. In past years, they had hired from within and the internal applicants had dwindled. He thought when they hired again, they would have to go outside.

Council Member Ellis said it was a great group that fought the fire in Spray and he was happy for what they did.

Chief White said that was a conjunction between the whole county. He had not received anything from ISO yet.

Council Member Underwood asked how much longer he thought it would be.

Chief White said they had 90 days and had rated the City on Jan. 11, so it had been 65 days to that point. He had called and talked to Brian Cox who told him he knew the grade but could not tell it. The inspector, Vernon Ward, had told him they could not get better numbers unless they hired personnel. If they ever wanted to become a Class 1, they would have to hire.

Council Member Moore said he, Council Member Underwood, Mr. Mendenhall and Chief Simpson met with Chief White and there were three different options they could take. He had asked Chief White which one he thought was the best and that was the one he had come up with. Chief White was the fire chief and

knew what he needed. He thought what he was doing was right in line. He appreciated it. He told Chief White to let Council know what he needed.

Chief White said he thought they had to move forward as a City in general. Using mutual aid helped and he appreciated them coming to help and vice versa. It was all a conjunction when there was a structure fire.

Council Member Underwood said they could not do everything they wanted to all at one time.

Council Member Moore agreed and said Chief White was in the right direction.

Council Member Epps said he thought it was very impressive how Chief White handled the fire at the mill.

Chief White said he had a great deputy chief who was there. It was not just him.

Street Division:

- None

Collection & Distribution:

- None

Fleet Maintenance:

- None

Solid Waste:

- None

Water Filtration, Water Resources, Wastewater Treatment:

- Wastewater Treatment Plant – North Basin

Ms. Ward said this was the continuing work for the north basin. They would be in the process of moving everything from one basin to another to get ready for the construction work. Crews would be working to get aerators moved over. They were working on the first contract to get the sludge removed. That would be preparation for when construction did go out, work could start.

Goal setting – Council to set goals for the City for the year:

Mayor Hall said annually, Council was asked to set goals for the City for the new fiscal year. Staff suggested the following for consideration.

Mr. Mendenhall advised at this point, Council needed to go through the items and advise their thoughts. It was time for Council to give direction.

Marketing:

- Two additional festivals to be added to the calendar

Mr. Mendenhall said Marketing had presented two additional festivals. That was in the budget requests as well as additional funding for the festivals.

Council Member Kirkman asked what the festivals were.

Ms. Adams answered from the audience they were the Youth Powwow and Trail Days festivals.

Council Member Kirkman thanked her – he had misunderstood and thought there were two more.

Finance:

- None

Mr. Mendenhall said there had already been some direction on the personnel compensation.

Information Technology:

- No requests

Division of Design and Construction:

- No requests

Mr. Mendenhall noted Administration did not have requests either; however, it had received outside funding requests. Historically, the City had not increased the budget for outside agencies. Four Square in Wentworth who worked with victims of violence and abuse had submitted a request that was being evaluated. There was also a request from David Johnson of Dan View Cemetery. He noted the letter had been placed at Council's seats.

Council Member Underwood would like the City to support it.

Council Member Nooe asked if it was a privately-operated cemetery.

Mr. Mendenhall said he thought they were operating as a board. They did not sell plots so they were not perpetual care like the one at Indian Hills. They did not have the state statute perpetual care going on. It was a group of people who had loved ones buried there who raised money. He thought they did a fundraiser.

Council Member Underwood said they did candles each year. It was not enough to support the maintenance of mowing they were facing. He thought Council needed to help them.

Council Member Nooe asked if they gave the plots to City residents for free since they did not sell them.

Council Member Underwood said he owned his own plot there.

Mr. Mendenhall thought they were deeded to individuals. It was not a perpetual care so there was no trust fund. It was like the cemetery in Spray where people mowed their family's plot. Instead of doing that, they had a board that sold candles and that sort of thing. They contracted individually. He had talked with Mr. Johnson about the request and he had listed the reasons why and wherefore in the letter. The cost of getting someone to cut the grass was going up. There were issues with some City roads going through the cemetery. They were like neighborhood streets that were cemetery access roads. He had listed all that. More importantly, he had talked with Mr. Johnson about in all the cases of outside funding, the problem they had, and it was a situation that was a policy question for Council, once they did for one, they opened a Pandora's box of equitably treating all the other cemeteries. He talked with Mr. Johnson about that and Mr. Johnson believed, and Mr. Mendenhall thought he was absolutely right, the risk exposure may be one or two other cemeteries. The City could have two or more people coming regarding active cemeteries. There were inactive smaller cemeteries – on Short Morgan Road with at least one or two gravesites there next to the City right-of-way that were not a cemetery and the City had to go in and maintain because the City had damaged them during waterline work. There was the old sanitorium on Bridge Street with a cemetery there, although he did not know the size and scope. The City could have more people coming forward and that was the whole point behind all that. They needed to be prepared with either a policy or something equitable. Mr. Johnson made a very good request but Council needed to be aware of the unintended consequence that if they started funding cemeteries, it may not be the only one and Council would need to have guidelines.

Council Member Nooe said he knew even with the cemeteries with perpetual care, the return on investments was extremely low and any of them were struggling to make it. He dealt with Overview and it was tough. They needed a policy if they did this so that they did the same for any others who came in.

Council Member Underwood said he agreed. He thought they needed to support them.

Council Member Ellis said the letter noted that City streets went through the cemetery and garbage trucks used cemetery roadways to do their garbage collection. He asked if they ever asked for repaving for that.

Mr. Mendenhall said they had not yet. He noted some of the streets there were public. The street running to Dodge was public. The street running back to the east was not, it was a hodgepodge of public and private.

Council Member Epps said he thought the cemetery only accepted paupers who did not have any money unless someone already had a plot.

Mr. Mendenhall said he thought that was correct. He thought the request was meritorious. They did not need to have a Dan View line in the budget. They needed to have a cemetery maintenance grant fund or something starting at \$1,000, realizing that some other people may come in and apply. Draft a policy for Council to adopt. If anyone else came forward they would go through the same process. If it was the pleasure of Council, Mr. Johnson would receive the money for Dan View Cemetery and there would be a process for anyone else that was all equitable and fair across the board. There would be no direct allocation to Dan View, just a grant program almost like the façade grant program. If someone came forward and was able to meet the requirements, they would receive the funds.

Council Member Epps liked that process. He asked if Boone & Cooke would match the \$1,000 if it were given.

Mr. Mendenhall said he thought there were two funeral services who would. Both Boone & Cooke and Fair would give \$1,000, plus the City's \$1,000, providing funding of \$3,000.

Council Member Epps thought the application Mr. Mendenhall suggested would be the best way to handle that.

Council Member Nooe asked if it would be a yearly request.

Mr. Mendenhall thought it would have to be yearly.

Council Member Kirkman said he hoped they did not open a Pandora's box by doing it. He understood the need. He did not want the City to have to take them all on. They had one on Church Street now that was not active that some people were asking for funds for online. It dated back to the 1800s. He had one in his yard he maintained himself, the first family in Eden was buried there. They could probably find 50 more in the City.

Council Member Ellis suggested including a number of graves at the site in order to be considered.

Mayor Hall said like Council Member Kirkman said, he was concerned at what this might open. He brought up the idea of a church with an aging congregation and no one to mow. He asked why they would not be just as justified to get help from the City, or any organization who did not have the funds or personnel to do it. He would love to help them, and it sounded like they probably would, but he was afraid if they starting doing it, they could not tell the next one no.

Mr. Mendenhall said that was the slippery slope. He thought that would require the policy to be tightly and well written. Council would have to prepare for the possibility that people would not qualify for the policy and appeal to Council for some sort of relief. There were a lot of cemeteries, church and private including old home place. He was afraid there were probably more than they realized.

Mayor Hall said a burial plot was the most expensive land on earth per acre. Whoever was selling plots should put some money in a reserve fund to get keep it mowed forever. Someone got rich on that cemetery and now the City was bailing them out.

Council Member Ellis said he did not think the City was bailing them out. He thought the City was using their property for the streets going through there.

Mayor Hall said the City was using its own streets.

Council Member Ellis said before they were given permission to use that street and call it Dodge Street.

Council Member Moore said if they did not have the street, they could not have a cemetery there because they could not have funerals.

Council Member Underwood said he was afraid it would fall back on the City if the group currently looking after it stopped doing so.

Mayor Hall said it would fall back on the property owner and asked Ms. Gilley if that correct.

Council Member Epps said Overlook had just sold to a new firm. He had paid a fortune for two plots. You never knew what was going on with the graveyards.

Mayor Hall said someone did own it and should be responsible for it.

Ms. Gilley thought that was correct. She did not know all the details but she knew there was a definite statute authority and regulations regarding cemeteries and she did not pretend to know them. She could look into it if they were thinking about a policy.

Mayor Hall suggested they consider a policy more so than a contribution to that particular request.

Council Member Nooe said he had just received a text asking for a different cemetery if they were going to contribute to Dan View.

Mr. Mendenhall said that was probably the tip of the iceberg.

Mayor Hall said they would look at a policy as opposed to making an annual contribution for one particular request.

Mr. Mendenhall reviewed the contributions to outside agencies. The funding was being kept steady state, meaning no increased funding. They had received requests from additional agencies and their typical response was the City tried to be very careful and did not duplicate contributions, particularly if the county was contributing. They felt like Eden taxpayers contributed to the county tax coffers as well.

- Rockingham County Arts Council - \$2,000
- Library - \$2,600
- Eden Chamber of Commerce - \$20,000
- Eden Rescue Squad - \$12,000
- Eden Historical Museum - \$3,600
- Eden Preservation Society - \$1,000
- Eden Strategic Plan - \$15,000
- Historic Preservation Commission - \$5,000
- Tree Board - \$500 for Arbor Day Tree
- EDDI - \$3,000
- Planning and Zoning Board - \$7,000

Mr. Mendenhall explained some of these were in the Planning Department budget while others were in special appropriations. He wanted to pause and make sure everyone was OK with it or if there needed to be adjustments or special provisions. The Fourth of July fireworks had also been funded at \$10,000 in a fund associated with Parks & Recreation. He asked if everyone was happy with what they had across the board.

Council Member Moore asked if that was what they had the last year.

Mr. Mendenhall said yes, it was in the current year and they would carry that forward. Some of the projects in the Planning Department would change a little bit. They would all have funding associated with them

and carry forward that way. In the previous budget, the Planning Board had \$7,000 but none was billed out. Historic Preservation had \$5,000 and \$1,000 was billed out. EDDI had \$3,000 and billed out \$3,295. He thought some of the incidentals were covered by the department.

Council Member Underwood asked regarding the Historic Preservation Commission, what the status was for the plaque for the Ferry Road.

Ms. Stultz replied from the audience that staff was trying to find someone to make the sign. They were also working on the Gus Shein Mural.

Council Member Underwood asked about the timeframe.

Ms. Stultz advised she would find out and get back with him.

Planning & Community Development:

- Small area plan Draper
- Downtown initiatives/façade grants/supporting funds
- Funding for appointed boards and commissions (based on project submittals)

Mr. Mendenhall advised the small area plan for Draper was ongoing and was a priority. He thought that was the original intent of funding the Planning Board. He thought it had been billed out in the department line under professional services. Downtown initiatives and façade grants were in the current budget and would be in the new budget, as well as the funding for boards and commissions and that sort of thing. He asked if anyone had any issues with those items.

Mayor Hall said he would like to ask Council that when the Draper Small Area Plan was presented to them, that they give some serious consideration as opposed to some other plans they had and did not adopt any of the recommendations.

Parks & Recreation:

Mr. Mendenhall said it was left blank as there was a thought process of trying to keep the maintenance of square footage in control and not overly expand. They had heard a request that was brought forward by the constituents of the senior center who wanted to do a center at Bridge Street. It had not been included and was not in the CIP. It was a request from a citizen and the department agreed with the citizen that they would bring it forward. He asked if Council would like staff to investigate doing a center at Bridge Street. They had talked about doing it at Spray Cotton at one time and doing some senior activities in Draper at one time. Staff was open to hearing Council's direction on it. Staff was trying to not increase the footprint for maintenance. Staff needed direction on how to proceed there.

Council Member Epps thought they did need to look into Bridge Street.

Council Member Ellis asked if there was any idea what areas of the City people were attending the senior center from.

Mr. Thomas answered from the audience that they came from all over the City he had noticed. They were not isolated to one area.

Ms. Stultz spoke from the audience and said her department had purchased some software as part of economic development efforts that allowed staff to pinpoint a property and it would report where the cars were from that could be used for that.

Council Member Ellis said it would be nice to know

Police:

- Implement Police Apprenticeship Program

Mr. Mendenhall asked if anyone had any direction on it or if they were satisfied with it.

Council Member Epps said he liked it.

Fire:

- Implement Fire Apprenticeship Program
- Fire Officer life safety upgrades and health risk management – authorize funding now as part of the current fiscal year

Council Member Ellis said protecting their health was important. He understood there were stricter efforts being put into place now like washing off gear before they left a scene. It should be a main objective of the City to do anything they could to help out the police and fire.

Mr. Mendenhall said on behalf of the fire department, the concern about cancer, ash, smoke and other byproducts, the fires were not clean. They were burning plastics, textiles, furniture and all that. There were harmful byproducts. It had been seen on a large scale in Ohio with the burning of the plastic rail cars, very cancerous and toxic. No one knew what the effects were. This was on a much smaller scale. They were putting gear in the car and recirculating it through the HVAC. He would not want to put anyone in that situation. He thought it needed to be addressed. He would like Council to consider on a consensus basis addressing it immediately and getting the carcinogens out of the car. Getting the right vehicle that separated the equipment and the turnout gear and the evidence separate from the vehicle passenger compartment so they were able to be safe. Their health and safety were a top priority for the City. If Council would consent to that, staff would go ahead and take care of it right away.

Council Member Underwood asked if the trucks would have covers on the beds.

There were multiple answers from the audience that they would.

Council Member Kirkman asked the estimate for the trucks.

Chief White answered from the audience that the estimates he had with the trucks completely outfitted was about \$60,000 per vehicle.

Council Member Kirkman asked if they were two-wheel drives.

Chief White said they were four-wheel drives.

Council Member Underwood asked if they could use the lighting from the Tahoes if they were being given up.

Chief White said they would not be compatible with the vehicles.

Council Member Ellis asked if they were two or four doors.

Chief White said four. He did not think the lighting system would work.

Deputy Chief Slaughter said from the audience that the way they were designed now was that the lighting packages were specific to each model.

Council Member Underwood said they could use some of them, maybe not the ones in the windshield. There may be some savings there.

Council Member Nooe asked what the interior was made of.

Chief White advised it would be leather.

Council Member Nooe said there should be something that could be wiped down and cleaned. No matter how hard they tried, stuff would get in it.

Chief White said the ones he had seen had washable floorboards.

Council Member Nooe asked if leather was the best thing or if there was a vinyl that would be easier to clean. He did not want to spend a lot of money and wind up contaminating the interior of the vehicle and not being able to clean it. He suggested Chief White check into the best interior to keep clean and keep staff safe.

Council Member Ellis asked if it had a towing package.

Chief White advised it did.

Council Member Underwood asked if this would be taken care of now.

Mr. Mendenhall said if there was a consensus among Council to approve, staff would find the money to do it.

Council Member Underwood said he did not have a problem with it.

Council Member Kirkman said he was not against it but he understood this was for two people. He asked what they would do for the guys in the trucks. He asked where they put their gear after they got through. He asked if it was going to be put in the back of these trucks.

Chief White said they would get into that when they talked about the CIP. They were working on a program to have two sets of turnout gear for each employee so that when they did come out of a fire, they could take the gear to Station 3 to wash it and would have a clean set at the station.

Council Member Kirkman said that did not answer his question. He asked where the turnout gear would go for the driver who went in the fire.

Chief White said it would go in the back of the truck.

Council Member Underwood asked if he meant the cab of the fire truck.

Chief White said it depended on the situation. Some had to go in the cab and some had enough compartment space to store them.

Council Member Kirkman said there was still a problem.

Chief White said if they had two sets of gear, there would be minimal time with the contamination.

Council Member Kirkman asked if it would be simpler for the two staff to do the same thing without having to buy a truck.

Chief White said it would be good if they had two sets of gear but they did not. Cleaning turnout gear was a three-day process.

Council Member Kirkman said he understood that, but he was trying to justify two trucks for two people versus every other man in the city who had the same problem.

Mayor Hall said if the concern was that they were riding in an enclosed cab with dirty turnout gear and leaving a fire they could throw the dirty gear in the back of the truck under the camper shell, the other firemen got back in the red fire truck and their gear was in the cab with them.

Deputy Chief Slaughter said the firemen could put their dirty turnout gear in the back of the new trucks as they left the scene and it could be transported to Station 3.

Mayor Hall asked if it was going to help eliminate the problem of riding with dirty gear and if they could put it all in one truck or two trucks.

Council Member Moore said it used to be that the contaminated gear was put into big red bags and zipped up to prevent contamination.

Council Member Kirkman said they still did that in Draper and that was why he was asking.

Council Member Moore said those bags were probably \$50.

Chief White said the bags were breathable.

Council Member Epps said after the guys worked hard fighting fire, there did not need to be a cumbersome procedure for handling the gear after they were worn out. It was a whole lot easier to put it in the back of the truck.

Council Member Ellis asked if they were getting rinsed off at the fire scene.

Chief White said that was correct but they were getting rinsed off with water to keep the ash and dust out of the truck.

Council Member Ellis said he was in favor of purchasing the two truck as suggested by Mr. Mendenhall.

Council Member Kirkman said he was not against it but they had not resolved the issue he was asking about.

Council Member Ellis said that issue could be resolved after they had the two trucks that could also be used in icy weather and used to tow trailers. He said go ahead with the trucks.

Council Member Kirkman asked if the F-150 would be a big enough vehicle.

Chief White answered that it would.

Council Member Moore asked if they would have a V-6 motor or if they were V-8.

Chief White advised they had the emergency traffic package.

Council Member Nooe asked if the department needed another set of turnout gear to make the plan work. He did not want to do it halfway – they needed to think it through and make sure everyone was as safe as they could be with what they were trying to do.

Council Member Ellis asked if they were any grants that could be applied for to help with the cost as they were looking at another set of gear in order to keep one set clean.

Chief White said he could work on that.

Council Member Epps said he was in favor of looking into the purchase of additional turnout gear.

Council Member Nooe said just what they needed to be as safe as they could be. If they were going to spend money, they needed to know what they were trying to get to.

Chief White said a set of turnout gear was about \$3,500 times 21 full-time personnel.

Council Member Ellis asked if having an additional set of gear would be a selling point for firemen.

Chief White advised yes.

Council Member Ellis asked if the gear was washed only when the firemen went inside.

Chief White advised it was done only when there was an interior tackle. It was not washed with every call. The department averaged 30-40 working structure fires a year.

Street:

- None

Collection & Distribution:

- None

Fleet Maintenance:

- None

Solid Waste:

- None

Water Filtration, Water Resources, Wastewater Treatment:

- Wastewater Treatment Plant – North Basin

Mayor Hall advised this was the last item and he thought they all would agree on that one.

Mr. Mendenhall said by way of update, it was not a cost to the utility rate payer. It was 100 percent grant funded through the DEQ budget or the Economic Development Administration through the feds. Approximately \$10 million had been brought back to the City to do the north basin. That needed to be highlighted.

Mayor Hall said that was a great job by the staff getting the \$10 million. He knew Mr. Shelton had worked on it.

Ms. Gilley said regarding the purchase of the trucks that were not included in that year's fiscal budget, they needed a formal vote on it, though that may be when they had the actual bids and prices. If they were talking about the next year's budget, it could wait.

Mayor Hall said he thought it would make sense to put it in next year's budget. They could go ahead and start looking for a procurement.

Council Member Underwood asked what Mr. Mendenhall recommended.

Mr. Mendenhall said he thought Ms. Gilley made a good point. They could get the quotes readily included in next year's budget. There was some immediacy to it. Anything decided there was doable, the problem would be finding inventory on the ground. They may decide to do it that day but there may not be any inventory and they would have to wait for an order bank to open up somewhere. If they waited until July, they may have the same problem. They had the issue with police cars, with dump trucks and he felt like they would probably have it with the pickup trucks.

Council Member Epps asked if it was about an eight month wait.

Mr. Mendenhall said unless it could be found on the ground.

Council Member Epps said if they ordered those now they would get a better price before they went up eight months later.

Mr. Mendenhall said it would probably go up a couple times between now and eight months.

Chief White said from the audience that he had talked to the company the other day and they actually had two on the lot they could reserve if it was approved that day.

Mayor Hall said they would break for lunch in the Eden Room.

The meeting recessed for lunch.

Mr. Mendenhall said several members of Council had asked about Fire Station 2 and Draper Elementary School. Those were tied to Community Development Block Grants (CDBG), federal funds passed to the

state. The grants were run through the Planning & Community Development Department. He asked Ms. Stultz to give an update.

Ms. Stultz said funding for Fire Station 2 had been attached to the Draper CDBG-NR (Neighborhood Revitalization) funds. The problem happened after the mold, mildew and moisture problems were found on the outside. An architect had been involved designing French drains and those kinds of things to prevent it from happening again. She had talked with the architect that week who said he would have plans the next day or the following Monday at which point they could move forward. Everything that could be given to the state for it had already been done. The state had to review the scope of services, it would be bid and then the project would be completed. Funding for Draper School was attached to the Covid grant the City already had. The rules for that had been changed a time or two. The City was finishing up getting everything to them so the project could be finished up as well. Both projects needed to be done as quickly as possible. She wanted them to be completed as much as the citizens and Council did.

Council Member Ellis asked if the bids had come in for the roof as requested at the last meeting.

Ms. Stultz said two bids were received and both were over \$90,000. One of the flat roofs had failed since the previous summer.

Mr. Nooe said the plan was to take care of Draper School without City funding and that was why he had gone along with it. There needed to be a discussion before that kind of money was spent on the school.

Council Member Ellis asked if they could ask the person with the lowest bid to hold it for up to 120 days and have the Covid money come in by then.

Ms. Stultz said she would have Mr. Vincent speak with them. It would all have to go through the federal procurement requirements when they got ready to bid it all out.

Council Member Nooe said staff had been instructed to get bids to possibly pay for the roof with City funding. He was not agreeable to that. If it were done with grant money it was a whole different process. It had to be bid by grant rules.

Ms. Gilley said she was not sure it could not but it needed to be verified because the rules got changed a bit. It was hard to say for sure that staff would not have to go out and get additional bids. There may be strict requirements on the grant process.

Council Member Ellis said to then throw the bids out.

Ms. Stultz said she did not want to do that.

Mr. Mendenhall said when they got into the grant requirements, there was the Davis-Bacon Act which required that certain things be done and tabulated, that minimum wages were paid that exceeded the federal and state minimum. Typically it was not a problem but it added a whole lot of paperwork. When dealing with federal money, a simple bid process turned complex. He asked Ms. Stultz if she knew what all the steps were for procurement.

Ms. Stultz said among them were reaching out to the minority and women owned contractors, publish notices in the newspaper, put on the City's website and the state's website for contractors. A lot of those things had been done before they started up in December for the fire station and then the state decided there were additional hoops that had to be jumped through. Nothing had been done for the school yet. It was like anything else, it was not really free but had a lot of strings. The City could not afford to harm their relationship with the Department of Commerce or the feds by not following the rules on grants. She would love to put a roof on the school. If the City did it now, it could not be included in the grant.

Mr. Mendenhall said asking them to guarantee the bid number may be good. If they got a whole bunch of burdensome things attached to it, someone may just have to pull their bid. Staff did not require a bid bond

so it would be OK for someone to pull their bid. Someone might hold their number, it could be a good compromise.

Ms. Stultz said there was always the possibility that if the City did not jump through the hoops and use all the money, they would have to give it back.

Capital Projects – review of Capital Improvement Program and delivery of capital projects in upcoming fiscal year:

Marketing:

- Enclosed trailer for events

Ms. Adams said she was asking for a 16-foot enclosed trailer at approximately \$10,000. E-track in the walls and floor would hold items in place when it was being moved and it would have lighting as many of the events were held in the nighttime hours. It was needed to haul event materials for the 10 signature events. There was one trailer in service that carried the 40 round tables, six-foot tables, eight-foot tables, cocktail tables and chairs. It was much more efficient to leave the items on the trailer instead of loading and unloading into the shed. The second trailer was used to haul the tents, coolers, signs, cones, barricades, barrels, lighting and all of the other props needed. Both trailers were full at the events. Staff from Facilities and Grounds and Streets had found the trailers were much more efficient. The division had borrowed and was using a trailer from Streets that Streets had never been able to use. It needed to be given back to Streets as storage for their 911 equipment that needed to be ready at any time. She had asked for a lot for events but she believed, and she thought the community believed, they were a good investment. They did have an economic impact on the hotels, restaurants, gas stations and merchants. They were a way to give back to the citizens. So many of them did not have the opportunity to see live concerts or to see the Purina Dog Team or enjoy the ninja apparatus that would be at 2023 RiverFest. It was the 10th anniversary of Shaggin' on Fieldcrest, 20th anniversary of Piedmont Pottery Festival and the 20th anniversary of RiverFest. They were solid events and well attended. RiverFest had been chosen three years in a row for the people's choice award for the best festival in Rockingham County. Purina was always asking for things for their employees and contractors to do. It was a solid investment.

Finance:

- Meter upgrades (AMI)

Ms. Ward said she had been asked to assist Finance by looking into AMI, Advanced Metering Infrastructure, a new technology for meter reading. Currently the City had radio reads which had been purchased about 10 years prior. That warranty provided 100 percent replacement for anything that went wrong on the meters for the last 10 years and the next 10 would be prorated, meaning the City would have to pay for a portion that would steadily increase over the next 10 years. It was time to look for new technology or the potential for it. She had found a lot of systems were going to AMI if they could. The City currently had radio read so staff had to drive by the meter to read it going by each house individually. They were able to see if there was a water leak but only after the meter had been read. If there was a water leak it could be a month potentially before they found out. AMI allowed readings every 15 minutes through cellular technology. It was a continuous read and office staff would be able to see the readings daily. The system sent an alert for any high usage that was different than the day before. Staff could call customers and let them know if something was different and that they may need to have a plumber come out and check for a leak. Sometimes it could be as simple as a stuck toilet. Customers could also check the system and see what their water usage was on a regular basis using an app on a phone. She had looked at two different systems. The first was Veolia, formerly Utility Services, who offered up services similar to what was done with the water tanks now. They proposed replacing everyone in the system and paying for it on a yearly basis. They would maintain them completely, which was great except they would like to replace everything and that was very costly. The second company she looked at was Badger. The meters were still good and

had the potential to last another 20 years. The technology on top was really what needed to be switched out and it could be done at anywhere from \$140 to \$180 per meter depending on how many were done at a time. It was a matter of keeping up with technology.

Mayor Hall asked if there were about 6,000 meters.

Ms. Ward said yes.

Council Member Epps asked if it would eliminate a reader.

Ms. Ward said yes because the reads would come into the office and no one would have to go out. One of the problems they had was tying up staff going out and doing meter reads twice a month. There were a lot of complaints of people not confident in the read who requested staff to go out and do a re-read. With the AMI, the customer could see what the reading was so there would be no reason to go out. It was something staff would like to do in the future. The company had offered a trial for staff. The process used Beacon Software, which staff had been using for meter readings since 2020. It was something already available and could be used even more with the new system. There had been a large increase in the number of cutoffs, especially since Covid, which took a lot of staff's time. Staff spent several days working on cutoffs. There were a lot of repeat cutoffs and staff was trying to figure a way to deal with it. Cutoffs required pulling staff from C&D to help out. There were 100 plus cutoffs at a time.

Council Member Epps asked if the cutoffs could be accomplished through the office.

Ms. Ward said there was a way to do it but it did require replacing the whole meter. The Badger meters were good and only needed the technology changed out but to put on the valve that could be turned off in the office would require a different type of meter. They could look at changing the meters for the accounts that were commonly turned off. They would replace the meter and put the valve on. If they targeted the commonly cutoff people for new meters, that may reduce the time spent on the cutoffs and turning the meter back on as it could be turned on in the office after payment. A lot of businesses were switching to the technology. The company had said it was possible staff could do some of the switchover in house. There was no need to replace meters for everyone, only the ones who needed the controllable valve. New meters would also allow pressure zones, determining where there might be larger leaks or problem areas in the system. It was possible to upgrade the system with staff as the meters were upgraded.

Council Member Moore asked if the cost was \$140 per meter.

Ms. Ward said the cost depended on the amount purchased with bulk being cheaper. There would be another expense because the project required cellular technology which would be 95 cents per meter per month.

Council Member Nooe asked if the valves were part of the new meter.

Ms. Ward said yes, a new valve would be part of meter and connected to the cellular park. There was a battery pack that controlled the whole unit and it should last between 15 and 20 years. Badger offered a 10-year warranty with a prorated system after that. They would replace anything that needed it the first 10 years. After that it would be a little more each year the City would be responsible for.

Mr. Mendenhall said it all started during and toward the end of Covid as the cutoff list kept growing. The quickest way to get anyone to pay their water bill if they were delinquent was to cut them off. The problem was staff could not get all of the cutoff list turned off without people coming in and paying and demanding the water be turned back on so staff was in the middle of cutoff and had to go back and cut people on. There was one meter reader and no one wanted to see him lose his job. There would be no cost savings in personnel. When it was time for cutoffs, maintenance employees were pulled from that division to do cutoff. It was hard for them to staff a crew fully because they were all going to do cutoff. Staff needed some way to effectively take care of the repeat customers who were routinely on the cutoff list every month. They did not have any problem paying the late fees. The cutoff list had been as high as 180 but averaged out to 150 times the two cycles in the month. The problem was not in the reading side but the cutoff side in losing

productivity by pulling those maintenance staff out. The thought process was to remedy it through technology.

Council Member Epps asked if the technology would be operated through the water plant or in Billing & Collections.

Ms. Ward said staff in Billing & Collections would be able to look at it through their computers as would other staff who created an account and could have access to certain aspects of it.

Council Member Nooe said the \$140 to \$180 per meter was just to replace the technology portion. He asked what the new meters cost compared to the old.

Ms. McMichael answered from the audience that it was \$650 per new unit and the meter lids would have to be replaced as well. They were estimated to be \$40 to \$50. A new meter for the existing AMR was \$245 per unit.

Council Member Nooe asked how long the meters had been in the ground being used other places.

Ms. Ward said they had probably been around 10 years. They had just started being used when the City was putting its AMR system in.

Council Member Nooe asked if she had talked with anyone using the AMI.

Ms. Ward said there were quite a few places using it. Larger cities like New York were definitely using it and smaller towns all around Eden – Martinsville and Stoneville – were using them.

Council Member Nooe asked if they had good luck with it.

Ms. Ward advised yes.

Council Member Kirkman asked Mr. Mendenhall if Brunswick County used it.

Mr. Mendenhall said he thought that was correct.

Council Member Kirkman said he left his home there one day and left the water on, and a pipe burst. It was remotely cut off with the AMI technology after staff noticed a high water read.

Council Member Epps asked how notifications would be sent regarding impending cutoffs.

Ms. Ward said some of it would have to be figured out but people would get their late notice as usual. Currently they sent someone out to turn the water off with no further notice as people knew what day their water would be turned off. The same thing would happen on the cutoff day at the office – it would just be turned off.

Council Member Underwood asked if there was a total cost for the project.

Ms. Ward advised no because staff had not looked at a systemwide changeout. They had looked at how many were typically on the cutoff list to deal with those first. Staff had discussed getting 10 units to see what the technology was like for everyone in the billing office. Replacing 10 units – not the meters but just the technology portion – was about \$2,200 and the lids would be another \$300 to \$400. That would be just to see what everything was like and to get used to it.

Mr. Mendenhall said he did not think anyone was comfortable with a systemwide changeout because of costs and how it worked, notices and that sort of thing. The thought process was to pilot some and just see if they got good cell coverage. Draper had notoriously bad coverage and it could be a problem. He thought they needed to go slow. Staff needed to make sure it was effectual and good for the residents, utility customers, and that it was also beneficial for staff. They did not want to buy it if it was not going to do what they thought it should do. There was no way to know unless they test drove it to find out.

Council Member Nooe asked if it would be a problem operating two systems and if the software the City had would handle it.

Ms. Ward said staff had asked some of those questions. They would have to figure out the bill creation as it would be a little different. It would be up to the company to create the software a little differently because it was currently based on staff going out. At least within 10 years, the batteries would be gone for the current system in place so they would need to be replaced at some point. Some of them already went out every now and then and had to be replaced. That would increase as they aged. Instead of continuing with the existing system, they would like to look for something that was a little more advanced, user friendly and beneficial to customer service as well.

Council Member Epps asked if it could be paid for piecemeal out of different annual budgets.

Ms. Ward replied yes. Rates were cheaper if it was done in bulk but there were still cost savings regardless. It could be done in sections at a time. Several cities did that.

Council Member Nooe asked if the monthly fee would still be 95 cents per unit.

Ms. Ward replied it would go up a little if there were not that many. The more they had, the cheaper that was. If everyone were on the system it would be about 95 cents per month. That technology would send readings pretty much every 15 minutes all day long every weekday and on the weekends readings would come in every day. Customers could tell what their readings were and owners would be able to tell what was going on at rental properties.

Mr. Mendenhall said to Council Member Epps' point, it could be phased in. The copy of the CIP for the current fiscal year, in year seven or eight, \$2 million was put in that CIP to do a replacement because that would be about when the battery life of the current meters would die. If it was phased in, they may be able to do it with current cash cycling through every year. If they waited and did it all at once, it would be \$140 times 6,000 and would likely have to be financed. It would be about six years out and would have to be done all at once as batteries started dying. Once the batteries died, there was no way to read the meters or collect the revenue.

Council Member Nooe asked if it went through general fund or if it was in water and sewer and would add to those bills.

Mr. Mendenhall said water and sewer.

Council Member Moore asked if the testing could be done on the 300 accounts being cutoff every month and see if it made a difference.

Mr. Mendenhall said that was what staff would like to do. He did not know about doing 300 all at once, maybe starting slower. Some of the accounts were on the cutoff list every month. It was a bad problem.

Mayor Hall said he thought it was important to note that the technology was the \$140 to \$180 portion. To be able to cut the water on and off was another \$700, so they were talking about \$1,000 times 300 people.

Mr. Mendenhall said what that meant was there was a meter in the ground, a metal lid with a battery pack and antenna, a manual valve inside which required a person standing above it to turn it off. The idea was to automate the valve so when the signal was activated there was not a person standing there, it was an automatic valve that would turn. The lid was about \$40.

Council Member Epps noted that some of the 300 accounts were able to turn their water back on themselves and it was not noticed for a month.

Mr. Mendenhall agreed and said that did happen as well.

Ms. Ward said with the new technology staff would get a warning that the meter had been tampered with.

Mayor Hall said there was a ton of ARPA money restricted to water and sewer projects. He asked if staff had looked at the possibility of a grant for the project.

Mr. Mendenhall said no. A lot of ARPA money had been allocated on a bleach project at the water and wastewater plant to be reviewed shortly.

Mayor Hall noted money was still being pumped into infrastructure.

Mr. Mendenhall asked Ms. Ward to make a note to look for grant money. He advised an idea had just to come to him about tampering – Council could increase the cutoff fees. There were cutoff and reconnect fees. Whoever was on the list so often could be paying for the technology component. It could be put on the user, they were utilizing the employees to come out monthly to cutoff and cut back on. Those accounts were putting a lot of demands on the employees to do all that. The money could be recouped every so often.

Ms. Ward said extra fees for repeat offenders had been looked at so that was an option.

Council Member Nooe said before they went into the meters and valves, he would like to do enough with the communications portion of it to see if the software worked before they got too deep into it.

Ms. Ward said staff felt about 75 percent of the City would have no problem with it working. There were sections of Draper that may have a problem and would require someone to go out and read but it would be an improvement over what they had now. They could still use radio reads if they had to for those sections.

Information Technology:

- Desktop lifecycle replacement
- Laptop lifecycle replacement
- Server lifecycle replacement

Mr. Taylor said in 1965, Intel cofounder Gordon Moore observed that processing power doubled every two years. Since that observation, he had not been proven wrong and it had come to be called Moore's Law. It was one of the reasons staff did lifecycle replacements on desktops, laptops and servers. Staff did not need to replace servers – that would be in the next fiscal year. The request was to continue with the desktop replacement with about 25 percent being replaced, meaning the entire desktop fleet was replaced every four years. Ten to 15 laptops were replaced every year which was done to accommodate a three-year lifecycle on laptops. The majority of the laptops were in patrol cars where they were exposed to heat and cold, dust, vibration and heavy use for 12 hours a day. The request was for \$20,000 for desktops and \$27,500 for laptops.

Mayor Hall said part of the plan had been to get on a cycle with all of the major expenses.

Division of Design and Construction:

- Water/sewer line replacement as listed in CIP, street resurfacing as listed in memo

Mr. O'Dell wrote in a memo: Below is some information received from Kevin London that I have revised for possible use in the January 2023 budget retreat package(s):

Street Resurfacing Proposed Work for FY 23-24: The streets maintained by the City of Eden are currently listed in a spreadsheet showing 633 street sections that are eligible for Powell Bill maintenance funds. Of those 633 street sections, 619 are asphalt pavement and 14 are gravel sections. We currently have 85 paved sections, or 13.7%, rated in poor condition. We have 268 paved sections, or 43.3%, rated in fair condition. Combined, 57% of our streets rate in poor to fair condition based on the Pavement Condition Ratings for 2022.

Currently, there are 11 street sections scheduled to be resurfaced in FY 23-24 at an estimated cost of \$386,000; with 5 street sections to be included for Micro-Surface Pavement Preservation at an estimated cost of \$64,000. With the rising cost of street resurfacing, we are looking to make a slow transition toward micro surfacing, which can be done at approximately one-third the price of asphalt resurfacing. Our streets have to be in good condition to be considered

for micro surfacing. Were we to pave those 5 street sections instead of micro surfacing, it would cost \$116,860 using last year's spring asphalt pricing. This is a savings of \$52,860.

We anticipate our annual Powell Bill allocations received from the State of North Carolina to be approximately \$500,000 for the upcoming budget year. Based on recent discussions with the City Manager regarding our Powell Bill 10-Year CIP Plan, no request for extra funding for street resurfacing is anticipated for the upcoming budget.

Water Construction Projects Update

SoVA Megasite at Berry Hill- Phase II NC Water: In January 2023, Haymes Brothers, Inc. will be trying to schedule a time to bore under the railroad tracks east of Dry Creek that will also work with the schedule of RailPros personnel. Only a little over 200 feet of 16" water main needs to be installed to complete the tie-in for the section of new water main along N. Rickman Street and the easement north of Mill Avenue.

WL design work by LKC Engineering, PLLC: Recent conversation with Paul Dishmon indicates that the new Construction Crew is anxious to begin work in early 2023 on a few projects that were expected to have already been completed. The crew is likely to start on the Maple Lane WL replacement project first, then move to Carolina Heights to complete the replacement of 2" galvanized water mains along two sections of Circle Drive.

Mr. O'Dell said Projects Coordinator Kevin London prepared a list of 13 streets to be looked at for possible resurfacing the next year. Out of the 13, 10 or 11 would be selected to get close to \$386,000 estimated cost for those. At the same time, staff was now in the process of considering a different type of maintenance called micro surfacing. There were five street sections in Grand Oaks that had been selected, in good shape still, and they qualified for using that slightly cheaper method of maintaining the streets. The estimated cost for those was \$64,000 and that would get them to the 10-year CIP of \$450,000. Through either Streets or Parks & Recreation, there was \$90,000 for micro surfacing Freedom Park's three parking lots and an entrance road as part of a package deal. If Freedom Park was not approved, they would probably not get the lower cost for the five in Grand Oaks which meant they would not do any of that but would try to get all the 13 sections. Powell Bill funding each year was a little under \$500,000, not enough to do all they needed. Staff was trying to save money in the package deal. Mr. London had figured out switching those five streets would save about \$53,000 just that year so that almost paid for what they were trying to do at Freedom Park. Regarding water construction, nothing was really changed in the CIP. They had some projects designed. In the next year or two after, they would try to buy the materials and get those put in. Some of the ones on the next year's list did not need design work as they were short streets that C&D may could do. It was a matter of buying materials. The year after that they would probably get back into a little more design work.

Mr. Mendenhall wanted to commend Mr. O'Dell and Mr. London for the street resurfacing. There were about 14 percent of streets in poor condition. The proposal was not just about saving money. It was also about preventing future poor condition roadways, being more proactive doing preventative maintenance by going to the micro surfacing. It was a cost savings and was designed to catch some of the roads before they got in worse shape and that was basically mitigating the future costs. Street resurfacing was expensive. Finding a way to mitigate that cost was a really good thing and that was what staff was doing.

Parks & Recreation:

- Replace City Hall roof
- Substitute replacement of playground at Bridge Street with replacement of playground at Freedom Park

Assistant Director Ray Thomas wrote in a memo: I have recently evaluated the City's facilities and found that some changes need to be made. First request: The lights should be removed from Draper Ballpark and reinstalled at the all-purpose field at Freedom Park. This will allow the field to be used for Prowler's football practices. The cost for this project is \$65,000. Second request: WIFI at Freedom Park. This will allow for card payments at the concession stand, camera for safety, and visitor counters. The cost for this \$ 15,000.

Mr. Thomas said the roughly 28,000-square-foot roof at City Hall needed to be redone. He had reached out to Surry and Davie Counties, as well as Asheboro, who had all went from tearing off the roof to applying a fluid-based system which provided for no openings and no seams with all flaps closed. It currently had 60 mil roof. Adding another 80 would give 140 mil which was a whole lot better system in a roof. He would be going in a couple of weeks to look at one. Cone had done some of that type and were pleased with it. City Hall had some issues with leaking and it had two roofs on it currently. Another roof could not be put on it, the existing roof would have to be torn off which may require a shut down because of the noise. Fluid based was a liquid that was pumped on with no odor. It was not a simple process but it made more sense than tearing off and putting back.

Council Member Ellis asked if they would leave the two roofs on and then put the liquid on.

Mr. Thomas said the company would x-ray the roof, finding and repairing any bad spots. The rubber roof would be put back on and the new system applied to everything. It was no fail for 20 years and most systems like it lasted 25. He had talked to several people who said they had longer lifespans out of it.

Council Member Ellis asked when a roof was last put on.

Mr. Thomas advised it was when the building was renovated around 1998. It had issues. There was a bad leak over the back hallway and a leak over Planning. The last repair cost around \$3,800 just for the back hallway.

Council Member Ellis asked what was currently on it.

Mr. Thomas said it was a rubber roof. They were good and lasted a long time. He thought the fluid was starting to take the place of those.

Council Member Moore asked how it was applied.

Mr. Thomas said the fluid was pumped up and rolled on. It gave it a thicker base, which was now 60 mil but would be 140 after completed.

Council Member Epps said the method was similar to sealcoating.

Mr. Thomas agreed.

Mayor Hall asked if it could be done again in 20 years or if it would have to be taken up.

Mr. Thomas said he was told it would be a long time before any maintenance would be required on it. It may have to be torn off. It would have no gaps or air leaks. It would be white instead of the existing black so it may be a little better on cooling.

Council Member Kirkman asked for an estimate.

Mr. Thomas said about \$325,000.

Council Member Epps asked what the price was doing it the other way.

Mr. Thomas said the existing two roofs would have to be torn off so it could get expensive. They could get someone to do it but he did not know how well it could be done. It would also be loud inside the building which could require shutting the building down. As long as the weather was dry, the fluid-based roof could be done pretty quick depending on the problems found when the building was x-rayed.

Council Member Moore asked how the roof could be x-rayed.

Council Member Ellis answered that it was done by infrared.

Mr. Thomas advised staff wanted to replace the playground equipment at Freedom Park instead of Bridge Street based on the usage. Planning staff had been able to tell him there were about 56,000 one-time visits

annually to Freedom Park. The existing playground was put in when the park was built. The equipment he looked at would accommodate between five to 12 years old with the capability for 46 children to play on it at once. He thought some pieces could be added in for handicapped children. If the park was going to be the premier place to be, it needed to be up to scale.

Council Member Moore asked about the cost.

Mr. Thomas said it would be about \$120,000. Color could be added to fit in with what was currently there. It would look good.

Council Member Ellis talked about the playground equipment on Morgan Road given to the City by Kaboom nine to 10 years prior. He thought the equipment at Freedom Park would be a plus. He liked making it usable for special needs children, as a neighboring city did. It was very important for the City as Parks & Recreation rebuilt.

Council Member Underwood said the equipment there now was long overdue for replacement. He received complaints on it constantly.

Mr. Thomas agreed and said he did as well.

Council Member Epps asked about the putt putt course.

Mr. Thomas said he had talked to several contractors and work should happen at the former dog park in the next few weeks.

Council Member Epps said it was really successful.

Mr. Thomas said the weather had not cooperated in starting but he thought they would within a month.

Council Member Kirkman asked if staff would look at the existing dog park. It was a mud hole. There was apparently a drainage issue.

Mr. Thomas said Purina gave the City a grant to work on the dog park and it would be closed in a couple of weeks for renovations as the work started. Grass and trees would be planted and cement poured. The Street Division had put some rock in close by and it had helped a lot with the drainage issue.

Police:

- Vehicle life-cycle replacement (6)
- Replace K-9

Chief Simpson said to keep in line with their 10-year vehicle replacement plan, the department requested six police vehicles probably all assigned to patrol. The 2007 Chevrolet Impalas had just started being phased out of the investigative division so they had gotten their money's worth for those. In the 2023-24 budget, \$371,700 was projected for fully outfitted vehicles and that included a little built in for fluctuation and cost. As they had seen with recently purchased vehicles, a quote given today may have 10 percent added to it the next week for shipping or other costs. They hoped to come under. There was a K-9 in the CIP for 2024-25 to replace Blitz who was assigned to Officer Gourley. Blitz was nearly 11 years old and had developed some health issues in December, causing his vet to recommend he retire. The CIP request for the following year was requested now in 2023-24 to replace Blitz. The department was lucky to get 10 years from a K-9 before they developed problems. His service was appreciated.

Council Member Epps asked if the radios from any of the cars being phased out could go into the new ones.

Chief Simpson said they could. As they rotated cars out, any major components were switched. To Council Member Underwood's point earlier, they tried to use the equipment but often as they changed vehicles out there had been so many body changes and shape and angle of the windshield changes and that nature, it forced them to buy new equipment. If it was something they could transfer, they would.

Council Member Moore asked if staff was in the process of looking for a K-9 replacement.

Chief Simpson said yes. It was important that they have a couple of places to look at which they had learned with Officer Josh Ferguson who was part of one of the best K-9 teams the department had had in many years. It was important for the handler to go to the location and meet the K-9. They did not have to like each other but they had to be capable of working with each other. They were in a search but one had not been chosen at that time.

Council Member Kirkman asked about the cost.

Chief Simpson said about \$15,000 was about the average based on all the quotes they had.

Council Member Underwood asked how many vacancies the department currently had.

Chief Simpson answered five. There was one attending BLET as a trainee. One from another agency had been interviewed and he felt like that would happen in a couple of weeks. Two other people have been interviewed who wanted to attend the BLET course starting in August.

Council Member Underwood asked what the future looked like with retirees.

Chief Simpson said he was eligible April 1. Lt. Jimmy Hart was eligible July 1. Capt. Anthony Welch was eligible Feb. 1, 2024. Staff was looking at many different options to try to maintain and be stable. Part of that was people staying longer after they were eligible to retire, part was recruiting and part was the internship program presented by Deputy Chief Moore earlier. Deputy Chief Moore, Capt. Welch and Lt. Anthony Lovings worked extremely hard on the program and had been to the school. A 19-year-old had been interviewed the previous day. He wanted to attend BLET because it was home. It was not a problem exclusive to Eden. Greensboro had 120 vacancies. First responders did not seem to be at the top of the list for people to volunteer for anymore.

Fire:

- Turnout gear lifecycle replacement
- Radio replacements
- Station 1 roof replacement
- Replace concrete pad at Station 4 – Administration proposes to advance FS 4 total renovation to proactively prevent a FS 2 scenario
- Weather siren addition to improve coverage gaps

Deputy Chief Slaughter said Chief White asked him to address the radio replacement. As Council Member Underwood had stated earlier, the flip of the switch that was beyond the City's control would happen July 1, 2025, which was a later date than the original Jan. 1, 2025 date. Radio companies advised it was a lengthy process to get new radios. In talking with other agencies in the county, they were looking at six to eight months turnaround at that time. Currently, the thought was it would be a year to 18 months to get radios as demand for them grew. Staff was looking at a total of 36 portable and 15 mobile Motorola radios. The department was looking to add personnel. Radio parts were becoming difficult to get for their existing radios. The last quote they had received was \$312,000 so the department could be looking at between \$320,000 and \$350,000.

Council Member Underwood noted this was something they were not given a choice in.

Deputy Chief Slaughter agreed. Once the switch flipped if the radios were not in place, staff would be unable to communicate with other departments and with CCOM.

Council Member Ellis asked how it impacted the pagers.

Deputy Chief Slaughter said they simulcast on a different frequency. Once staff keyed up on a portable, any volunteer could be able to hear what the driver was saying. Staff had switched to the county's frequency.

The department did have its own channel but used it as a TAC channel. Once they were on scene, they switched to the TAC channel. CCOM often got very busy and did not have time to repeat what staff on scene said.

Mr. Mendenhall said he recommended Council authorize the Finance and Fire Departments to work together to place the order now realizing it could be up to 18 months before it was received. It was not going to be spent now but they could get the PO for it and it was in the CIP for the upcoming year. That could help avoid any other cost increase or issues with getting at the end of the deadline and not having what was needed. It could be a cost savings as there could be a cost increase in July.

Council Member Epps agreed with that proposal.

Council Member Underwood said 18 months would put them pretty close to the deadline.

Council Member Ellis asked about issues getting the vehicles.

Chief Simpson answered from the audience and said the orders had been put in an order bank a year prior and the orders got cancelled. The Dodges had been bought off at a dealership in Kentucky. Ford patrol vehicles were ordered. The colors they wanted were on the lot. The order was cancelled and they were purchased off the lot. They could have a delay but when it came to vehicles, it was not a delay that would put them in a bind.

Council Member Ellis said he thought they may be able to find the trucks in Kentucky as they had thousands of them at the stadium.

Chief Simpson said there were a couple of trucks on hold on a lot for the fire department.

Council Member Epps asked if the radios were related to the statewide towers that were now in place.

Deputy Chief Slaughter said yes. Currently each tower had six banks. Right now only one person could talk at a time. It would be expanded up to 12 banks so more people could talk in each bank throughout the state.

Council Member Underwood said at some point, staff could go on their own system.

Deputy Chief Slaughter said that would then have to go to the county to be looked at. Guilford County built their own system many years ago. Rockingham County decided to go on the Viper system.

Mayor Hall asked if staff looked at other manufacturers.

Deputy Chief Slaughter said yes, Kenwood had just switched to Viking and he did not get a price for that because they were trying to get themselves closer to Motorola. Motorola was ahead of the ballgame and the radio they were requesting had already been play at least five years. It worked, it was compatible, it met the standard and there were very few bugs out there with the current radios.

Council Member Epps asked about the radios in the budget.

Mr. Mendenhall said they were in the CIP for the next year. Staff knew the cost was coming. They had split police to do that year and fire the upcoming year to try and keep costs manageable between the two.

Council Member Underwood asked if Mr. Mendenhall recommended ordering the radios now.

Mr. Mendenhall said yes, realizing they would not encounter the costs until at least eight months down the line. If everyone was amenable, it would be put on the next agenda for a vote.

Council Member Epps said it sounded good to him.

Chief White said the second item on their list was to replace the roof at Station 1. The roof was leaking and water was coming in the bedroom. Contractors had looked at it and said the top membrane was split and the flashing around the pipes and vents were starting to fail. The termination bar that held the roofline along

the edges was starting to fail which was causing the leak. He was unsure how long the roof had been on the building and if it had one or two roofs.

Council Member Moore said it was put on in the mid-90s. He was working then.

Chief White said the roof was then close to 30 years old. The price range from three different contractors was between \$52,000 to \$112,000. The highest figure included the liquid applied roof like Mr. Thomas had described earlier. The lowest bid was to go back with a rubber roof.

Council Member Kirkman asked if that was tearing off the roof as well.

Chief White said yes. If it was not fixed, water would stagnate and create mold inside the building.

Mayor Hall said he would like to see staff go with the low estimate.

Council Member Nooe asked if the estimates included the same materials and same warranty. He asked if they were bidding the same thing against the same thing.

Chief White said the lowest estimate by Davis Roofing gave a 10-year workmanship warranty and 20-year membrane warranty.

Council Member Ellis noted the City was looking at replacing several roofs. He asked if it would be feasible to get estimates for one group to do all the roofing work.

Mr. Mendenhall said it was a good idea. It had not been looked at.

Council Member Epps agreed that the prices may be lower if one company were hired to repair all the roofs.

Mr. Mendenhall said staff could do a bid package and see what the returns were. There was another roof on page 11 that he was not sure would be able to be budgeted. There were more roofs in Parks & Recreation that did not get called out. He did not want someone in 20 or 25 years to look back and think the City replaced all of them in a single year, meaning they would all go bad in a single year. If the same contractor did them and the workmanship was good, that was good. If it was poor, they may all go at the same time. It would make sense to bid it that way and see what the bids were at least. He was a little concerned about replacing so many roofs in one year.

Mayor Hall noted that the roofs being asked for were different types and getting prices for those would probably be difficult if the contractor did not specialize in that.

Mr. Mendenhall said that was a good point. What was being asked for was diverse.

There was discussion about the bids and who made them.

Ms. Gilley said what Chief White had used for estimation purposes. The issue was in the budget for the next year. To actually get the bids, Chief White would go out again and verify the estimates.

Council Member Kirkman said he was curious if they were looking at local contractors.

Chief White said he did not know if they had anyone local who could do a roof that big.

Council Member Kirkman said he had the roof done on his commercial building at Circle Mart. It was \$5,000. That included taking the roof off and replacing the wood. It was not as big of a building but there was not that much difference between it and the fire station.

Chief White advised Station 1 was 8,000 square feet.

Council Member Kirkman said he was not sure the square footage of his building but even if the size doubled, that would be \$10,000 to \$12,000.

Chief White said he would call whomever Council wanted him to for estimates.

Council Member Kirkman said the \$52,000 seemed extreme to him.

Chief White said an estimate for a rubber roof was \$72,000 and the other was \$52,000.

Council Member Epps said Station 1 should be the priority because of the leak.

Council Member Nooe asked if there was someone on staff who specialized in maintenance who would be the best person to obtain the estimates so that they were getting estimates on material type, warranty, thickness, insurance, etc., so when the information was presented to Council the estimates were comparable in everything but price. He was not trying to slight anyone.

Mr. Mendenhall said what he was talking about was more in line with local government procurement, like a purchasing officer to ensure things were apples to apples and the spec was what they wanted. The City did not have one. It was a hodgepodge and something they probably did need to look at. If they were going around to different contractors and probably not doing a solid bid spec, saying the City wanted x, y and z. Staff relied on the vendors.

Council Member Nooe said Chief White noted the fluid roof was double the cost of the others and it was a tear-off job with a 20-year warranty but the City was looking to pay \$320,000 to put a liquid roof on City Hall and he did not know how that compared to tearing off and putting something else back on. It was a lot of money to spend and Council needed to have good information to make the best choices it could.

Mr. Mendenhall said staff would figure out how to internally compare the bids. Because there was no general services staff to compare services, staff relied on what other customers experienced. The county had done the same roof, as had Cone Health and Mr. Thomas could talk to them. He understood where Council Member Nooe was coming from. It was a huge risk.

Ms. Gilley said the estimates were reviewed more thoroughly when they were put out to the vendors at the time of purchase. What they currently had were estimates for budgetary purchases. She also looked at the bids when they came in to make sure they were apples to apples, especially for higher priced things.

Council Member Epps noted the roofs were oil based products and the price of that continued to rise.

Council Member Nooe said he agreed that a roof was needed and staff should proceed. If a dollar amount were not set at that time, he was good.

Mr. Mendenhall noted staff had to get estimates for the budget so it would balance. They tried to get a range and management usually took the low-end estimate to get the budget to balance. Staff would then have to go out for bids. Procurements took a while. The procurement of the fuel tanks was very complex and Ms. Gilley spent hours on it. There was a lot of risk that had to be mitigated the higher the value. Staff would make sure it was apples to apples and that they went through the right process.

Council Member Moore said it would nice in the future to have someone, like a superintendent, who would go to job sites to make sure the intended work was being done correctly.

Mr. Mendenhall said that was an excellent idea. It was not just the procurement but to make sure there was someone on site to see that the quantity of materials being used were what was in the contract.

Chief White said concrete at Station 4 needed to be replaced. The drainage system from the gutters went into the concrete and was then piped down into the yard leading to the spillway for the drainage. The system under the concrete was busted so it was not draining properly and was busting the concrete. It created a trip hazard and would puncture a tire on a fire truck. It constantly splashed dirt on the trucks as well.

Mr. Mendenhall said Station 4 had issues on the concrete and some structural issues. Rather than it go the way Station 2 had, he recommended advancing the renovation that was in the CIP in future years by renovating the station and doing the concrete. That way the station would be completely done and not pieced together. They would fix the structural issues of settling and unevenness in the floors. It was tied to

the concrete failing and the drains causing problems. It was a water problem. It did not make sense to do the concrete and come back in a couple of years and try to renovate. They could do it in such a way that it was good for 20 or 30 years out. Staff wanted to be proactive on it. He asked Council for their feedback before staff moved forward.

Council Member Epps said concrete had changed since the station was built and was now a lot stronger. He agreed with the decision.

Mr. Mendenhall said staff would work on a number to present in the budget.

Chief White said the final CIP item was the replacement of the weather siren at Station 1. There was an estimate to do four but he thought it could be cut to three. The siren at Station 1 was not on City property but was on the former JR's Archery building and it was not higher than the buildings on Washington Street so it did not get the sound out like it should. A proposal was to put the siren on a telephone pole behind the station, as well as a siren at the water treatment plant and at a pump station in the John Street/Summit Road area. Putting it at a pump station would allow a backup generator in case the power went out.

Council Member Moore said the City owned the building beside Station 1 when the siren was put there.

Mayor Hall noted that everyone had a siren on their phone.

Chief White said the sirens at Stations 2, 3 and 4 worked but would not reach the people in the Washington Street area.

Council Member Epps asked if staff had looked at placing the siren on the Hamilton Street water tower to cover that area.

Chief White noted it would need a backup generator.

Council Member Underwood said he thought the City had been asked to remove the siren beside Station 1 off the building it was on.

Chief White said he thought that was right and the City had a piece of property not on its property.

Council Member Epps recalled he introduced sirens 21 years before when there were none in the City. He was for getting it done.

Mayor Hall asked if the pump stations were lower than the buildings.

Chief White said the estimate of around \$30,000 per siren included putting them all on telephone poles. He thought they would be 60 feet in the air.

Mayor Hall questioned that the City only needed one.

Chief White said it needed one definitely.

Council Member Moore said they could take baby steps and do one at a time.

Mayor Hall said most everyone had a cell phone which sent out alerts.

Chief White said turnout gear lifecycle replacement was just a continuation of what they had been doing.

Public Works:

- Replace equipment shed damaged in straight-line winds (2022), insurance proceeds to cover a pro-rata share
- Replace roof on Public Works building

Mr. Mendenhall said straight-line winds damaged the east equipment bay on the east side of the yard. Staff had been working with insurance proceeds to cover it and had a design from a local construction firm for

an eight-bay shelter. He thought the insurance carrier was going to depreciate some things and there would not be quite enough funds to rebuild it the way it was. In doing all that, staff had counted the number of solid waste trucks, which were the highest value trucks other than the sewer vac and hydro excavator. There were about 10 of them and staff wanted to do a 10 bay instead of eight. It would cost around \$300,000 and insurance would pay \$265,000. The eastern-most shed was unsafe and would have to be demolished as the trusses had snapped in the wind. Due to the roofing fear he talked about earlier, he thought staff would try to hold the roof until the next fiscal year. Staff would prioritize the roofs and do the worst first so they were all on a cycle rather than being condensed in one year. The building had at least one known leak and it was unknown where it was coming from. If Council was amenable, it would be put into the CIP for the upcoming fiscal year.

Streets Division:

- Replace bucket truck
- Additional trailer
- Replace service truck

Mr. Gatewood said staff would like to replace a 2008 bucket truck that had 106,000 miles and 11,000 hours. The second replacement requested was a 2008 service truck with 115,000 miles and 15,000 hours. A 14-foot trailer was being requested to haul the division's roller for asphalt when street cuts for water and sewer were needed.

Collection & Distribution Division:

- Replace service truck

Mr. Mendenhall said it was on a routine cycle for replacement.

Solid Waste Division:

- Replace road tractor (transfer station disposal)
- Replace pickup truck

Mr. Curry said the road tractor would be used at the transfer station for garbage disposal. The City had two that were used daily. The one to be replaced was currently on its second engine and staff wanted to replace it with a used road tractor at an estimate of about \$70,000. The 1995 service truck had 143,000 miles and was the oldest of three pickup trucks in the fleet. The estimate to replace with a standard pickup was about \$40,000.

Water Filtration Division:

- Construction of Bleach Treatment System
- VFD upgrade
- Facility improvements
- Paint sludge scrapers (2)

Water Resources Division:

- Replace service truck

Wastewater Treatment Division:

- Construction of bleach system
- Replace influent grates
- Upgrade clarifier
- Replace samplers

Ms. Ward said one sludge scraper had been painted and another two would be done this year. Staff hoped to get the others painted in the next fiscal year depending on costs. Everything in the water plant was the same as it had been when it was built. Floors needed to be fixed, as well as tread on the steps which were a trip hazard, and other items to improve the look of the building. A VFD upgrade was requested for the high-service pump. In October 2022, the City received a letter from Harcros saying they would no longer provide gas chlorine. Staff was left with one choice as a source for gas chlorine and it was a company that did not have a great reputation for safety and service. Staff started looking at switching to bleach or hypochlorite. In November, staff contacted Dewberry Engineering for an estimate of what it would take to make that happen for both plants. The infrastructure was pretty much in place for the wastewater plant. A roof and tanks needed to be added at an estimated cost of \$274,000. By the time the project came around the costs would probably go up. At the water plant, a tank farm would have to be put in as well as tanks inside the building. The larger tanks would be outside and the smaller ones inside to feed from. The cost would be around \$676,000. The total engineering costs would be about \$114,000. Wastewater could probably find more options but there were not many for water treatment. It worked out well to have large bulk loads go to both places and save on the costs. Staff would like input on whether to move forward on the proposal.

Council Member Ellis asked about the taste difference between the two chemicals.

Ms. Ward said it was the same. Gas chlorine was turned into a liquid bleach form. What they would purchase in the bleach was just water and gas chlorine. It was safer for both the citizens and employees. Currently there was a very regulated risk management plan staff had to keep up with because they had the gas chlorine on site. If there were a gas leak, a large portion of the community would have to be evacuated. It depended on how much leaked and the wind speed, but it could be the entire community if it were a large enough leak or it could be everyone on that side of Highway 14.

Mr. Mendenhall said currently, both plants received cylinders that looked like household propane tanks. Water treatment was done with that chemical in a gas form. The change would be a liquid form, meaning they would lose the gas component from a safety standpoint as it was more dangerous than a liquid. He asked Ms. Ward if there were more vendors for the liquid.

Ms. Ward said there were a lot more vendors and the potential for vendors in the state to provide it without any interruption.

Mr. Mendenhall said ideally the City would not change anything because it was a very effectual cost of treatment; however, there was a tradeoff on safety. Fortunately, the City had never had a tremendous safety accident and that was due to Ms. Ward and Ms. Reid and their staff and their hard work on that. The problem was there was only now one vendor who sold gas chlorine and the City may run into the issue of there being no vendors one day and then there would be no treatment.

Council Member Epps asked for an update on the clarifiers.

Ms. Ward said there were four and two of the smaller ones had been painted. Staff wanted to paint one of the larger ones in the upcoming budget year.

Council Member Nooe asked about the cost difference in the gas and the liquid.

Ms. Ward said the gas was definitely cheaper which was why they had not looked at switching even though it would eliminate a lot of the safety hazards. For water treatment, staff had heard from different sources there was a chance that some other chemicals could be decreased so the increase of the bleach could be offset in savings on the other chemicals. They really would not know until they got into it because every plant and water chemistry were different. There would be an increase at the wastewater plant as there were not any areas to save on. They had looked at getting PAA but that did not work as well as they were hoping for.

Mr. Mendenhall said Ms. Reid had studied the issue extensively. He asked if she wanted to talk about the chemical tradeoff of bringing in the bleach. He asked if it was the caustic that was less.

Ms. Reid said she had spoken to someone in King who changed from sodium hydrochloride. They did not see a lot of cost difference. When chlorine gas was injected how it was injected at the plant, they were putting it into water so they were making sodium hydrochloride technically. In the future, it may come in a concentration that was a little lower than what they had now but the City needed to head in that direction.

Council Member Nooe said he understood the availability and safety issues. He asked if there was a projected cost increase on water and sewer rates for information. He asked if Ms. Ward could look at that and let Council know.

Ms. Ward said the chemical costs for the past couple of years had been unpredictable, including chlorine gas which was once a steady cost, maybe a slight increase every year, had been doubling. Depending on the chemical, there had been no determining. Staff used to do bids twice a year and because of the costs, vendors would not give bids anymore so it had to be switched to quarterly bids just because the costs changed so rapidly. It was hard to estimate from one month to the next what the chemical costs were going to be.

Mr. Mendenhall said to Ms. Ward's point, the costs were variable; however, staff had changed from chloramine to chlorine and there was a cost savings there. If the City used ARPA funds to take care of the bleach situation and make sure there was a secured source for the treatment chemical, there should not theoretically be a cost increase passed to the customer because all it would be less than what chloramines were. Staff had done chloramines as their hand was forced based on the raw water supply and what was going on upriver with bromide. Ms. Reid and her staff had done a good job monitoring and that enabled the chlorine change which was a benefit to the customers and line work in the distribution system. By going this route, based on other experiences, there may not be a huge increase passed onto the customers.

Ms. Ward said staff hoped to get the majority of the grates replaced that year so there was a chance they would not have them to do the next year. It was a wait and see situation. Water Resources had been looking for a service truck but hitting a dead end finding one that would work. They would be looking for one in the next year.

Budget Instructions and Direction – Council to instruct staff to prepare a budget, guidance on tax rate, etc.:

Council Member Epps said he was delighted there were no tax or water and sewer rate increases. It made him happy.

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, April 18, 2023 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
	Kenny Kirkman
	Greg Light
	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, including the media present. Pastor Joel Clark, New Saint Paul Baptist Church, gave an invocation followed by the Pledge of Allegiance led by members of the Eden Youth Council.

Mayor Hall noted that two items would be added: 4b and 4c.

PROCLAMATIONS AND RECOGNITIONS:

a. Proclamation in honor of Arbor Day.

Mayor Hall read the proclamation.

2023 ARBOR DAY PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, the City of Eden has been named a Tree City USA community by the National Arbor Day Foundation for the 29th year, and

NOW, THEREFORE, I, Neville Hall, Mayor of the City of Eden, do hereby proclaim Friday, April 28, 2023 as Arbor Day in the City of Eden, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and to plant trees to promote the well-being of this and future generations.

Dated this 18th day of April, 2023

By: Neville Hall, Mayor

Attest: Deanna Hunt, City Clerk

b. Presentation from the Eden Youth Council.

Mayor Hall called on City Attorney and Youth Council Advisor Erin Gilley.

Ms. Gilley said there was a very active Eden Youth Council (EYC) that year and since they were a commission of the City Council, they wanted to give an update of what they had done and planned to do in the future. March and April were when they had most of their activities planned. The leader from their volleyball tournament could not be at the meeting so Ms. Gilley would review that project. They had wanted to do a tournament for several years. The members organized it and then marketed and promoted it at the high school among their friends. Four teams showed up. (A slideshow was presented with photos from the tournament.) The tournament was very competitive. The entrance fee was a bag of canned food. The food was given to the homeless shelter in Draper. Eden Parks & Recreation Director Terry Vernon and Supervisor Tank Overby stayed all morning and officiated the games. The winning team got a free meal at That Little Pork Shop. It was a successful tournament. She introduced Cooper Martin who would review the 5K.

Mr. Martin said he attended Rockingham Early College High School. One of the EYC's service projects for the year was a 5K Color Run to raise money for two really good organizations: Rockingham Hope, which was Osborne Baptist Church's food drive, and The Phoenix Alliance, which helped victims of sex trafficking. The 5K was named Run for Hope and it would be held Saturday, April 22 starting at 10 a.m. with check-in at 9 a.m. It would be held on the Smith River Greenway starting by the restrooms. The registration fee was \$20. He thanked Council for their time and donations to the cause and said he hoped to see some of Council there to support the EYC.

Laura Deel said she wanted to discuss the Draper Pool painting. (A slideshow was presented with photos from the work.) A couple of weeks prior the EYC went to the pool to paint a mural, which was something they had wanted to do the previous year. Members created a marine rendering and went to the pool to stencil it on the wall at 6 a.m. The stenciling had to be done in the dark so the image could be projected onto the wall. The next day members painted the mural. Ms. Gilley and her father (Jim Burnette) were on site helping the members. It was a fun project and they were fortunate to be able to do it. They thought it turned out well. She thanked the City for allowing them to do it.

Ms. Gilley advised the last project the EYC was doing would be the annual Kickball Tournament they were doing for elementary kids. It would be held at Freedom Park with the EYC members serving as coaches for the teams. The EYC members went to the elementary schools and had an assembly with the third- through fifth-grade students. The EYC members promoted the tournament and explained they would be the coaches. The elementary schools sent a team or teams to the tournament to compete for their school. It was also a community policing event as officers volunteered to serve as referees and officials for the games, as Council Member Light would recall doing when he served as police chief. It was a great opportunity for the EYC members to mentor the kids as coaches and for the police officers to get involved with the kids who saw the officers in a great light. It would be Saturday, April 29. She played a video from the assembly held at Douglass Elementary School. The students were very excited. She wanted to thank Council for the support they gave the EYC every year and they would continue on their projects.

Mayor Hall noted the Kickball Tournament was a lot of fun. He welcomed the students at the event and talked to them about sportsmanship. He recalled about two years ago when the only argument at the tournament was between two police officers about if one was out or safe on first base. He wanted to mention that Darryl Tilley, a City retiree, had helped organize the 5K and given a lot of time to it. Most of all, a thank you to Ms. Gilley for being the liaison to the EYC and keeping Council informed. He thanked the EYC.

c. Presentation of Morehead High School Job Shadowing.

Mayor Hall called on Marketing and Special Events Manager Cindy Adams.

Ms. Adams said on March 30, the City had 50 students come over from the high school. There were a little over 30 the previous year so it had grown immensely. They spent the day with employees for the Students in Government Day. It was a huge success, for the students and even more for the employees. The police department was very popular. They had an interactive session with the students and were really making a difference. There were students and staff at the meeting who would introduce themselves and tell about their experience. She thanked them for coming. It was a really great day.

Assistant Principal Landon Kimrey said Council Member Ellis had been missed at the school. On behalf of Principal Jason Tuggle, Career Development Coordinator Christy Hensley and himself, they wanted to thank everyone who was involved with the job shadowing. It was a huge success and the largest job shadow the school had done. Ms. Deel had given out some thank you notes and they had more to distribute. They wanted to thank the City for their partnership with the school and for giving up their time and busy schedules to spend with the students. He had talked to most of the students who were involved in it and they were amazed at how insightful the whole experience was. He recently had a student job shadow him and showed the students some of the things he did in maintaining the school. The student said they never thought about how did those things but they never thought it would be Mr. Kimrey. Mr. Kimrey said he laughed and told the student he could see how they would think he may not be able to do those things but he did. It just went to show how cool the experience was. He thought the kids had an idea of what the jobs were and looked like but they really did not understand the reality of it and he thought that was the best part of the experience.

Ms. Deel said she was asked to speak on behalf of the program as she had participated by job shadowing the Police Department. It was not something she was really interested in but she wanted to try something new. It was a great experience. She was there with 10 or 15 other students. The students saw a K-9 demonstration, got to go into the offices and see the investigations division and what that staff did daily. Students heard from Chief Clint Simpson and Deputy Chief Paul Moore. It made her appreciate what the department did. She had talked with students who were in Water Filtration and Parks & Recreation and they said they enjoyed their day too and were interested in those jobs. It made students appreciate what the City did. As Mr. Kimrey said, the students did not understand the depth of what staff did on a daily basis. They really got to see what was done that day. She thanked Council for allowing them to come over.

Council Member Ellis said Ms. Deel had a few ties with the Police Department. He asked her to tell how.

Ms. Deel advised her brother worked for the department and her grandfather, Skip Blackwell, did as well.

Mayor Hall said it was a great event. He thanked Ms. Adams for organizing it along with Ms. Hensley and the school guidance department. He had been there and each department was represented. The students had opportunities to look at everything and how it worked. At an afternoon session, the students gave great reviews of what they had learned and told how much fun they had.

SET MEETING AGENDA:

Mayor Hall noted he had added 4b and 4c. Item 9a would be removed as information had come in too late to be included in the packet, as would the closed session as the information for it was not yet available.

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

PUBLIC HEARINGS:

There were none at this time.

REQUESTS AND PETITIONS OF CITIZENS:

There were none at this time.

UNFINISHED BUSINESS:

Minutes of the April 18, 2023 meeting of the City Council, City of Eden:

- a. Consideration to approve the City-County utility agreement.

This item was removed from the agenda.

NEW BUSINESS:

- a. Presentation of Fiscal Year 2023-2024 Budget Message and Budget Ordinance; consideration to call a public hearing for adoption of the Budget Ordinance.

Mr. Mendenhall said Council should have a copy of the CIP at their seats. He would present the budget message and at the end would ask Council to set a public hearing to adopt the budget.

He read the budget message: I present for your review and consideration the proposed budget for the Fiscal Year beginning July 1, 2023. I am able to report to you that the City will discharge all of its financial obligations for the current budget year in the proper manner. Last fiscal year the City dealt with global inflation at a 40-year high, while the high-end inflationary number has lessened, persistent “sticky” inflation remains as evidenced by interest rates, the costs of certain goods/services, and labor scarcity not seen in 50 years. Continuing provision has been made for the on-going potential of downside risk due to inflation; since inflation cannot be easily predicted, this contingency is a planning number that is designed to backstop overages related to inflation in operating lines (past the point where these lines have already been escalated).

Mr. Mendenhall said what this meant was, last year they had talked about buffering for a recession and for the negative impacts of inflation. They had actually increased the buffer, with a substantial buffer in place if there were to be a recession or continuing inflation. There was a contingency number and they had buffered in both the general fund and water & sewer fund, as well as the self insurance fund.

Mr. Mendenhall continued reading: This budget as presented is a spending plan for the fiscal year beginning July 1, 2023 and ending June 30, 2024. Pursuant to NCGS 159-8, the budget presented is balanced as required by law. In this budget the operating expenditures of the city reflect the impact of inflation, however; careful and precise expenditures are being provided for in order to enhance the public safety, improve the general welfare, and to continue to guard the public health. It should be noted that no new financing is a part of this budget, rather all the new items are being paid for on a PAYGO basis meaning “paid for as you go” rather than financed, this is the second year in which the City has enjoyed the benefits of PAYGO.

Mr. Mendenhall said looking at the interest rates, the City was not having to face a high interest rate due to the switch from financing to paying as they went with cash on hand.

He continued reading: The expenditures of note for this budget are enumerated below.

Mr. Mendenhall said he would read them all. There were a lot of things that went on, as the students at Morehead noticed, that people saw like fire trucks, police cars and City workers working, but sometimes people did not see the sludge scraper or sedimentation basin that kept the drinking water clean. He would go through each of them so everyone was aware of all the different things going on.

He continued reading:

Public Safety

- 6 new police cars – to maintain the vehicle replacement plan for law enforcement
- Replacement of one K-9 officer
- New fire radios to account for narrow banding the radio frequency

Mr. Mendenhall advised this was being pushed off on the City by the federal government and the FCC as they sold off bands for private use that used to be public. The bands were getting narrower and existing radios would not work in the new bands.

He continued reading:

- Renovation of Fire Station #4
- New roof for Fire Station #1
- Replacement of 1 emergency weather siren and based on sound propagation, funds to add 2 additional sirens to cover the northern and southern portions of the central area improving outdoor coverage of key recreational corridors

Mr. Mendenhall said they would start with one siren and see how it did. The sirens should be higher and taller. They would start with Station 1 on Henry Street. It would be removed from the former National Guard Armory and put back on City property and raised on a pole. It should have good propagation but they would test it and see.

He continued reading:

General Welfare

- Resurfacing streets: sections of Green, Jones, Shedd, Riverview, Turner and Monroe Streets; Short Morgan, Von Ruck and Peter Hill Roads; N. Hundley and Clarkway Drives, and Carolina Avenue.
- Small Area Plan – a small area plan to focus on the Spray neighborhoods including the downtown business district
- Festivals – funding two additional festivals and increasing municipal investment in festivals to reflect the increased cost of producing a positive festival experience including necessary investment in back-stage operations to improve efficiency of festival equipment

Mr. Mendenhall explained people did not realize all the festivals cost money and the fundraising efforts that the Marketing Office did were phenomenal; however, costs increased more rapidly than the ability to fundraise so they were having to make up that shortfall.

He continued reading:

- Pocket Park – funding a pocket park proposed by the Strategic Planning Commission for the Boulevard area; re-appropriated funds from FY 22-23 for this purpose
- Funding the employee pay program for the fiscal year
- New roof for City Hall
- New playground for Freedom Park

Public Health

- Repair of additional sludge scrapers at the water treatment plant sedimentation basins

Mr. Mendenhall said staff thought they could get two out of the money that was budgeted.

He continued reading:

- Upgrade of variable frequency drives for pumps at the water treatment plant
- Conversion from gaseous chlorine to sodium hypochlorite at the water treatment plant and the wastewater treatment plant

Mr. Mendenhall told Council they had heard a very complex chemical conversation at the budget retreat, how gaseous chlorine was no longer abundantly available and the City was down to one supplier. Staff wanted to make a switch to sodium hypochlorite bleach and that would be better for all those concerned. It was safer for the public and safer for the employees. It would allow more people to supply the product to the City.

He continued reading:

- Rehabilitating a clarifier at the wastewater treatment plant
- Repair/replace influent gates at wastewater treatment plant
- Replacement of approximately 2,200 linear feet of waterline on Ray St, Riverview St, and Maryland Ave; to improve the drinking water supply system for residents
- Repairs to sanitary sewer collection system through the replacement of air release valves and rehabilitation of Railroad pump station

- All sanitary sewer collection system work related to the Environmental Protection Agency Administrative Order of Consent is being provided for as part of grant funds, a separate project budget accounts for these improvements apart from the annual budget.

Mr. Mendenhall said staff was planning a special called meeting to address some EPA matters probably within the week.

He continued reading: This budget proposal includes that there be no property tax increase keeping the rate at \$0.6090 which marks the 15th year without an increase since 2008. A pass-thru fee increase is proposed of \$1.00 in the solid waste fee from \$20.75 to \$21.75 in order to pass-thru the cost of landfill disposal that was increased \$1.00 by Rockingham County Government. Updates to other rates and charges have been undertaken to bring these in line with costs county and regionwide.

Mr. Mendenhall said staff had done some tweaking in areas with Parks & Recreation with rentals for the RV pads at Freedom Park and how they charged for some other things in the Parks & Recreation area to get those a little bit clearer and not so confusing. Rates were also being lowered to make sure they were in line with what the City's neighbors were charging, for instance Reidsville at their lake.

He continued reading: The proposed general fund budget is \$20,119,300 with the ad valorem tax rate of \$0.6090 per \$100 of valuation.

Mr. Mendenhall said he thought it was commendable for Council that they were in the 15th year without a tax increase. That was a very positive thing.

He continued reading: The proposed water and sewer fund budget is \$12,394,600.

Mr. Mendenhall said there was no water and sewer rate increase. He wanted to make sure everyone realized that. A lot of people were going up on rates, county and region wide but the City was not that year.

He continued reading: The proposed self-insurance fund budget is \$3,308,500.

Mr. Mendenhall said people asked what the fund was. The City was a health insurance self-funded entity, meaning that it had to run the program to provide health insurance for the employees. That balanced out. The health insurance fund was in good financial shape.

He continued reading: I commend and applaud each resident, volunteer, elected official, and employee for their hard work, sense of community, and togetherness during this past year and encourage their continued hard work as we begin the next fiscal year. I especially thank Mrs. Tammie McMichael and Mrs. Amy Winn for their assistance in the preparation of this budget. Copies of the proposed budget are being made available to news media and copies for the public to view will be available at City Hall in the Office of the City Clerk. As provided by law, above and herein the budget is thus submitted this the 14th day of April, 2023 in the County of Rockingham, City of Eden. Respectfully Submitted.

Mr. Mendenhall said he would like to make sure Council had their material to go through. The presentation was not the end of the process. It was really a midpoint from the backend work done by staff and Finance, meeting with the department heads and Council in the budget retreat. The information had been worked into an actual presentable document that the public could look at and consume and that was what Council had to look at as well. It was the operating budget to get through June 30, 2024. There was a capital plan that balanced out for 10 years into the future, realizing that things changed and prices were hard to predict. All the big-ticket items were in the capital plan. The way the budget had worked in the last two years was if it was not in the capital plan, it did not get budgeted unless there was an emergency. A good example was the concern that the sodium hypochlorite needed to be done. That was in the capital plan but not in the upcoming year. Staff was able to fit it in. Another one in the general fund was Fire Station 4 renovation. It was three years out in the capital plan but staff was able to balance the budget with no tax increase and move that forward based on careful budgeting to renovate that station so it did not go the way of Fire Station 2. The capital plan bore looking at. It was balanced just like the operating

budget so there was no future year the City fell off a cliff. It was projected forward in time to make sure the City was making adequate provision for capital items. A lot of requests came in and they tended to get many in a single year. They clustered up so staff had to do level spreading, meaning there was a capital cap and staff spread everything so they only did so many capital projects in one year. Council would see that in the plan with police cars and fire trucks and that sort of thing. No one department got everything year after year. There would be additional time for public input at the meeting in May. He requested that a public hearing be held at that time.

Mayor Hall thanked all the department heads, Finance and Mr. Mendenhall for working to present and put together all the information. He wanted to point out on the self insurance, he asked Mr. Mendenhall to check into some other options and it turned out to be the best thing for the City. He was hoping to join with some other groups to possibly save money but the City was probably in the best place it could be right now. They always kept an eye on it and any other spending. He thanked Mr. Mendenhall for the pay as you go system and capital improvement plan. Those were things that reined finances back in. Those were new since Mr. Mendenhall was hired and the finances were in wonderful shape.

A motion was made by Council Member Epps to call a public hearing for adoption of the Budget Ordinance on May 16. Council Member Ellis seconded the motion. All members voted in favor of the motion. The motion carried 7-0.

- b. Consideration to adopt a resolution to direct the Clerk to investigate the sufficiency of an annexation petition for 345 Wilshire Drive.

Ms. Stultz wrote in a memo: The City has received an annexation request for property located at 345 Wilshire Drive. The property is owned by Brian and Ruby Furbert. A motion to adopt a "Resolution Directing the Clerk to Investigate a Petition Received under G.S. 160A-58.1" is in order.



PETITION REQUESTING A NON-CONTIGUOUS ANNEXATION

Date: March 20, 2023

To the City Council of the City of Eden, North Carolina:

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the City of Eden.
2. The area to be annexed is non-contiguous to the City of Eden and the boundaries of such territory are as described in the attached Deed.
3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Eden.
4. We acknowledge that any zoning vested rights acquired pursuant to N.C.G.S. 160A-385.1 or N.C.G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property.

Name	Address	Do you declare Vested rights? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Signature
Brian Furbert	345 Wilshire Dr. Eden 27288	<input checked="" type="checkbox"/>	<i>Brian Furbert</i>
Ruby Furbert		<input checked="" type="checkbox"/>	<i>Ruby Furbert</i>

Mayor Hall called on Ms. Stultz.

Ms. Stultz said a few years prior, developer Homer Wright visited her about doing some expansion in the area that was Northridge and some of it was now Summer Place. They wanted to extend water and sewer which by policy required a request to annex. The whole subdivision was annexed except four lots there the Wright Company had sold to individuals. Three of those wanted to be annexed with everyone else and the fourth was a holdout. The property owner had since changed and the current owners had requested it be annexed. It would be a good thing for the City in many ways not the least of which would be providing services out there. Staff requested Council have the clerk check the sufficiency of the petition.

A motion was made by Council Member Epps to adopt a resolution to direct the Clerk to investigate the sufficiency of an annexation petition for 345 Wilshire Drive. Council Member Moore seconded the motion. All members voted in favor of the motion. The motion carried 7-0.

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER N.C.G.S. 160A-58.1

WHEREAS, a Petition requesting annexation of an area described in said Petition was received on March 20, 2023, by the City Council of the City of Eden; and

WHEREAS, N.C.G.S. 160A-58.1 provides that the sufficiency of the Petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Eden deems it advisable to proceed in response to these requests for annexation:

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

The City Clerk is hereby directed to investigate the sufficiency of the above described Petition and to certify as soon as possible to the City Council the result of her investigation.

This the 18th day of April 2023.

CITY OF EDEN

By: Neville Hall, Mayor

Attest: Deanna Hunt, City Clerk

- c. Consideration to adopt an amended and restated Lease Agreement for Draper Landing River Access and Memorandum of Cooperative Agreement between N.C. Wildlife Resources and the City.

Ms. Gilley wrote in a memo: I have prepared an Amended and Restated Lease Agreement with the owners of the property where the City's Draper Landing River Access. This City has been working with the NC Wildlife Resources to plan and construct improvements to this landing including new single-lane boat launch ramp, improvements to the gravel parking area, installation of a kiosk, and development of American with Disabilities Act-compliant parking. In this process, it became apparent that the City would need additional leased area from the property owners. The City commissioned a survey of the land and incorporated the new land area into the lease. The City will be leasing 4.72 acres. The Lease is otherwise the same as it has been. The owners agreed to an additional 10 year term which would allow the City the lease until 2058. The rental amount is \$5,000 per year. Additionally, the NC Wildlife Resources has requested the City to authorize the attached Memorandum of Cooperative Agreement. This Agreement provides that NC Wildlife will construct and install the improvements, and that the City will provide the area for the Lease, allow NC Wildlife review of the signage on the kiosk, maintain the grounds and have the grounds patrolled and allow launch and recover by the general public from the site.

Mayor Hall called on Ms. Gilley.

Ms. Gilley read her memo. She said staff recommended approval.

Council Member Epps asked if the agreement was for 10 years.

Ms. Gilley advised it was for an additional 10 years from the original agreement so it would last until 2058.

Mayor Hall said unfortunately it became an obvious need when there was a tragedy on that end of the river several years prior. First responders were not able to get in there like they needed to. Staff had tried to move it forward a long time. They really appreciated the help they were getting out of Raleigh and N.C. Wildlife.

A motion was made by Council Member Kirkman to adopt an amended and restated Lease Agreement for Draper Landing River Access and Memorandum of Cooperative Agreement between N.C. Wildlife Resources and the City. Council Member Underwood seconded the motion. All members voted in favor of the motion. The motion carried 7-0.

Agreements are on file in the City Clerk's Office.

d. Consideration of a resolution for Transportation Priorities.

Mayor Hall said this was an item the Rural Planning Organization (RPO) had wanted put together for transportation. He called on Ms. Stultz.

Ms. Stultz said as Council all knew, the City was part of Division 7 with the N.C. Department of Transportation (NCDOT). In that division, Eden competed with a lot of more urbanized areas; however, the RPO the City was a member of was an opportunity for smaller, rural jurisdictions to put their needs out there, talk about what needed to be done and have their projects considered for funding. The first item was a study for U.S. 311 widening to the state line. If Council recalled, Senator Berger helped get portions of the highway re-designated through Stoneville all the way through Eden as U.S. 311 as opposed to state roads. The second priority would be to widen N.C. 14/87 to the Virginia line. That would mean an opportunity for Eden to be even closer to an interstate if Virginia could be persuaded to four lane their portion. The City was going to advocate for the Department of Transportation connection related to N.C. 14/87 and U.S. 311 and respective improvements in the Commonwealth of Virginia and Virginia Route 87 and U.S. 311 by NCDOT. It was her understanding that Virginia had committed to widening what was known as the Berry Hill Road. That was a project the City hoped the state would pick up from the Virginia line back toward Purina. There had been a request and some votes of approval from some state legislators about putting a traffic circle in at the Washington Street/Bridge Street/Boone Road intersection. Roundabouts were safe and slow going. Eden had had one for a long time. They moved traffic more quickly and would be an asset to that downtown area. The Rails to Trails conversion of the Norfolk and Western corridor from Church Street to Pervie Bolick was something the City had been working on a couple of years with the company who were rehabbing Spray Cotton Mills prior to the fire. It was still something that would add to the greenway system and promote going down there either way. The Nantucket Mill was owned by the people who owned Spray Cotton and a friend of theirs had bought American Warehouse from Piedmont Folk Legacies. All of that would be turned into market-rate apartments. Faisal Khan, who owned the Spray Cotton property, had some ideas to move forward with an adaptive reuse of that property and improving it from its current state. She did not think it could ever be rebuilt to the point that apartments could go back in it. One of the buildings was in good shape but the larger of the buildings was basically gone.

Council Member Ellis asked about the type of apartments that would be put in.

Ms. Stultz advised they were market-rate apartments, meaning non-subsidized. If the resolution were adopted at the meeting, it would be shared with the RPO.

Mayor Hall said the RPO asked the City what was on its wish list. They took the lists and split points up. Hopefully the projects would stay on their radar and some of them could be taken care of.

Council Member Epps said they were some goals the City had been shooting for a long time.

Council Member Underwood said if they did not focus on getting some highways into Eden, the City was going to fall way behind. He did not think the City would ever get large industries with what it had now. They really needed to focus on creating four lanes on the highways.

A motion was made by Council Member Epps to adopt a resolution for transportation priorities. Council Member Ellis seconded the motion. All members voted in favor of the motion. The motion carried 7-0.

RESOLUTION TO ADOPT TRANSPORTATION PRIORITIES FOR THE CITY OF EDEN

WHEREAS, in order to provide for the coordinated, efficient, and well-planned extension of highways to serve the traveling public; and

WHEREAS, the City of Eden desires to set priorities to benefit the traveling public, create jobs, expand the tax base, and generally protect the public health, safety, and welfare of the citizens of the City of Eden as well as the traveling public, and

WHEREAS, from time to time it is necessary for the City of Eden to formally adopt plans, priorities, or programs of public improvement and policies related thereto.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Eden that officers, employees, delegates, and representatives of the City of Eden be presented with the formal transportation priorities of the Eden City Council enumerated below:

1. Feasibility study of US 311 widening to state-line.
2. Update existing NC 14/87 feasibility study to align with I-73 in Virginia (and bridgework that is planned on NC 14 in Eden).
3. Advocacy for transportation connection related to NC 14/87 and US 311 corridors and respective improvements in the Commonwealth of Virginia on Virginia Route 87 and US 311 by NCDOT and other State partners in order to achieve interstate cooperation.
4. Study intersection management at Washington Street / Bridge Street / King's Highway / Boone Road.
5. Rails to Trails conversion of the Norfolk & Western corridor from Church Street to Pervie Bolick Street.

APPROVED, ADOPTED AND EFFECTIVE this 18th day of April, 2023.

CITY OF EDEN

By: Neville Hall, Mayor

Attest: Deanna Hunt, City Clerk

REPORTS FROM STAFF:

- a. City Manager's Report.

Mayor Hall called on City Manager Jon Mendenhall.

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

Mayor Hall said additional copies were available at the meeting, online and in Eden's Own Journal.

City Manager's Report
April 2023
City Manager Jon Mendenhall

ADMINISTRATION DEPARTMENT

Marketing & Communications Office

Our Spring Grown & Gathered is coming up on Thursday, May 18. There will be dinner and dessert prepared from locally grown foods, drinks, live music and lots of conversation in one of Eden's most beautiful spots – the Spray Mercantile. Make your reservations by calling 336-623-2110.

Join us for a Community Play Date at the Purina Bark Park located inside Freedom Park at 121 N. Edgewood Road on Friday, May 19 from 5 p.m. to 7 p.m. Local pets and their people are invited to come experience the new Bark Park. The evening will feature a ribbon tugging ceremony, unveiling of the new park equipment, live performance from the Purina Incredible Dogs Team, Rockingham County Humane Society Pet Water Station, food trucks and more. The Purina Team will be on site to meet local pets and their owners and hand out treats and information. See you there.

As we continue to celebrate the Year of the Trail, on Mother's Day Weekend during the month of May get your mom or a mother figure that's special to you out on a TRAIL! Get the whole family together and GET OUTSIDE! All our trails are family friendly and safe.

PARKS & RECREATION DEPARTMENT

Recreation Division

Bridge Street: In March, we had 2,016 visits from people of all ages. Meals with Friends is an ongoing program that allows many of our seniors an opportunity to get out and fellowship with others as well as to have a hot meal at lunch time. The Morehead Men's Varsity Tennis team is still practicing three or four afternoons each week on our tennis courts. We still

have a few seniors coming in at lunchtime to play pickleball in the gym. The facility was rented out four times on the weekends. Our Seniors are still doing exercise classes on Monday, Wednesday and Friday mornings. The break in the weather has a multitude of people walking the track, playing basketball on the outside courts, utilizing the playground and playing shuffleboard. We still have a few that come in the gym in the afternoons and shoot basketball or play pick-up games. Our center hours are: Monday through Thursday from 12:00 p.m. until 8:00 p.m. and 10:00 a.m. until 6:00 p.m. on Friday.

Mill Avenue: We had 2,663 that attended the Mill Avenue Center during the month of March. The cornhole league finished up with tournaments in both singles and doubles. Basketball finished up but we still have several that come to the facility in the afternoons and shoot. Warm weather has brought out a lot of people that are walking the track and children playing on the playground. Our staff helps with homework each afternoon after school and then has pick-up playground games like dodge ball, kickball or wiffleball in the gym. Our morning pickleball begins at 8:30 a.m. on Mondays, Tuesdays, Wednesdays and Fridays and the evening group is now playing on Tuesday and Thursday evenings. Our regular center hours are: Monday through Thursday from 12:00 p.m. until 8:00 p.m. and on Friday from 10:00 a.m. until 6:00 p.m.

Mill Avenue Pool/Freedom Park Splash Pad: We are now interviewing applicants for the life guard and splash pad attendant positions.

Freedom Park: Our baseball and girls fast pitch softball practices and games began in March. We have around 120 players participating. A large crowd can be seen around the ball fields on weekdays as games are played. Warm weather has brought more people out to the park. More people are walking their dogs around the parking lot and are also utilizing our dog park. The basketball courts continue to be a busy place. The Holmes Middle School Baseball team had a couple of home games at our facility. The volleyball courts had a limited amount of use. The batting cage is staying busy each afternoon. The shelters are being reserved at least two times each weekend. The Concert In the Park/Cruise Ins will begin again in May.

Senior Citizens: We had 1,294 visits during the month of March. We had 141 people join in for cards and games, 149 in fitness and exercise, 46 in classes/workshops, 35 in off-site excursions, 110 in socializing, 97 in special groups, 355 in sports. Special events for the month were: kick off senior game's registration event, VITA-tax assistance, a new cornhole league began on March 6, community CPR and first aid training was held on March 21, shopping trip to Hamrick's, Spanish class had a nacho bar party on March 31. The Senior Games Opening Ceremonies will be held on April 18.

Special Events: Staff hosted a total of 6 students from Morehead High School that shadowed them on their occupations on the morning of Thursday, March 30.

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

Local Codes Inspections March 1– March 31, 2023

Total Local Code Inspections Performed 27

Local Code Notices Sent 6

Local Codes Abated 7

Abated by contractor 0

Abated by Property Owner 7

Permits

Building and trade permit applications are received in person, via e-mail and by fax then issued from the Planning Department. Hard copies of permits are mailed to contractors usually once a week on Friday. A copy of each permit is filed by property address for each trade.

Inspections & Permits March 1 – March 31 2023

Total Inspections Performed 210 (Does not include fire inspections)

Total Permits Issued 102

We currently have new single-family residences under construction along with 6 commercial upfits. Our inspector currently spends the mornings and early afternoons taking care of the normal inspection volume and spending the rest of the afternoon with daily inspections at the Purina project. There is now a push to have all production lines up and running by late 2023. He expects the inspection volume to increase in the coming months due to the grass season.

Boards & Commissions

The Community Appearance Commission met for the month of March and discussed future projects.

The Historic Preservation Commission met for the month of March and discussed future projects.

The Tree Board met for the month of March and discussed future projects.

The Planning Board met for the month of March to review Zoning Case Z-23-01, map amendment of a parcel of approximately 0.35 acres on N. Kennedy Ave from Residential-12 to Business Highway. Application filed by Martha Hopkins, part owner of subject property. The Planning Board approved the request.

Mural Project

Staff has selected a site location Ramsey’s Barber Shop for the Gus Shinn Mural Project. Staff is currently researching and networking with the Rockingham County Arts Council in order to select and determine the best compatible artist for the project.

Annexation Request

Staff received a request of annexation for property located at 773 Summit Loop. Application filed by property owners, Mr. & Mrs. Robert Taylor.

Staff received a request of annexation for property located at 345 Wilshire Drive. Application filed by property owners, Mr. & Mrs. Brian Furbert.

Draper Small Area Plan

The first draft of the Draper Small Area Plan was presented to the Planning Board for review.

POLICE DEPARTMENT

The Tait radio project is near completion. The last phase of this project is the install of the radios used for recording and should be completed by mid-May.

Two FORD F-150 Police Responders (Detective) are currently being outfitted by Campbell-Brown. These two vehicles are scheduled for completion by April 7. We will drop the third vehicle (Patrol) off at the that time with a tentative completion date of May 1, 2023.

Trainee Philip Martin has transferred to the GTCC BLET Program that begins April 3, 2023. This will create an approximate 10-day delay in his graduation.

We are currently conducting background investigations on three potential hires. One is a transfer from another agency that would fill the vacant Elementary School SRO position and two of the applicants are for trainee positions.

CONSENT AGENDA:

- a. Approval and adoption of the March 21, 2023 Council meeting minutes.
- b. Approval and adoption of Budget Amendment #6.

Assistant Director of Finance Amy Winn wrote in a memo: The attached budget amendment appropriates fund balance from the Runabout Travel Fund to cover Senior activity expenditures.

Subject:	Account #	From	To	Amount
Runabout Travel Fund Revenues				
Fund Balance Appropriated	25-3991-99100	\$ 4,500.00	\$ 5,000.00	\$ <u>500.00</u>
Runabout Travel Fund Expenditures				
Runabout Travel Expense	25-9100-31200	\$ 24,500.00	\$ 25,000.00	\$ <u>500.00</u>
Appropriates fund balance for Senior activities.				
Adopted and effective this 18th day of April 2023.				
Attest:				
_____ Deanna Hunt, City Clerk		_____ Neville Hall, Mayor		

- c. Approval and adoption of Budget Amendment #7.

Minutes of the April 18, 2023 meeting of the City Council, City of Eden:

Ms. Winn wrote in a memo: The attached budget amendment appropriates funds received for the Rockingham County Arts Council for the Youth Native American Powwow.

Subject: Budget Amendment # 7

	Account #	From	To	Amount
General Fund Revenues				
Youth Native American PowWow	10-3350-02800	\$ -	\$ 15,800.00	\$ <u>15,800.00</u>
General Fund Expenditures				
Youth Native American PowWow	10-4135-30290	\$ -	\$ 15,800.00	\$ <u>15,800.00</u>
Appropriates funds donated for Youth Native American PowWow.				
Adopted and effective this 18th day of April 2023.				
Attest:				
_____ Deanna Hunt, City Clerk		_____ Neville Hall, Mayor		

d. Approval and adoption of Budget Amendment #8.

Ms. Winn wrote in a memo: The Senior Center received a Home and Community Block Grant for Older Adults (HCCBG) and a Senior Center General Purpose grant from the Piedmont Triad Regional Council Area Agency on Aging. The HCC BG grant is for staff, program costs, equipment, and supplies for the Senior Center. The Senior Center General Purpose grant is for the operations of the Senior Center. This amendment increases the Recreation grant line items and the Program Activities line item in the Recreation budget.

Subject: Budget Amendment # 8

	Account #	From	To	Amount
General Fund Revenues				
HCCBG Grant	10-3612-48410	\$ -	\$ 30,000.00	\$ 30,000.00
Senior Center General Purpose Grant	10-3612-48420	\$ -	\$ 7,400.00	\$ <u>7,400.00</u>
				\$ <u>37,400.00</u>
General Fund Expenditures				
Recreation - Program Activities	10-6120-29600	\$ 25,000.00	\$ 62,400.00	\$ <u>37,400.00</u>
Appropriates grant funds received for the HCCBG and Senior Center General Purpose				
Adopted and effective this 18th day of April, 2023.				
Attest:				
_____ Deanna Hunt, City Clerk		_____ Neville Hall, Mayor		

A motion was made by Council Member Kirkman to approve the consent agenda. Council Member Light seconded the motion. All members voted in favor of the motion. The motion carried 7-0.

ANNOUNCEMENTS:

Mayor Hall said Trail Days were happening all weekend with a kickoff at Reynold’s Brewery. There was the Youth Council 5K which people could participate in as a spectator. The Special Olympics were the following weekend at Freedom Park and the Fishing Derby was at the Fireman’s Club on Smith Acres Road. The Boulevard merchants were doing a N.C. Roots Festival on April 29 as well. Coming up quickly was Grown & Gathered and he congratulated Ms. Adams for another sold-out event. He thanked her for her work on it as it was a highlight of both the spring and fall.

Ms. Adams advised she was working closely with Parks & Recreation and Purina on the Community Play Date opening of the new dog park on May 19 at 5 p.m. Purina had given a grant for the work. There was a lot of buzz about the celebration

Minutes of the April 18, 2023 meeting of the City Council, City of Eden:

and Purina was adding onto some of the things they were bringing. It was going to be a great event. She hoped as many people could be there as possible.

Mayor Hall repeated what Ms. Adams said and added that Purina had made a nice donation and the City appreciated what they had done so far and continued to do.

CLOSED SESSION:

This item was removed from the agenda.

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.

A special meeting of the City Council, City of Eden, was held on Monday, April 24, 2023 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 (absent)
	Kenny Kirkman
	Greg Light
	Bernie Moore
	Bruce Nooe
	Tommy Underwood
City Manager:	Jon Mendenhall
City Attorney:	Erin Gilley
City Clerk:	Deanna Hunt
Media:	Roy Sawyers, Rockingham Update

MEETING CONVENED:

Mayor Hall called the special meeting of the Eden City Council to order and welcomed those in attendance.

CONSIDERATION TO APPROVE AN AMENDMENT TO THE CITY-COUNTY UTILITY AGREEMENT:

City Attorney Erin Gilley wrote in a memo: The City and County executed an extension agreement for 120 days to the current sewer contract in January 2023. Staff of both Boards have been in the process of negotiating that agreement over the past few months. Based upon comments from the City Council at the February City Council meeting, staff has been working on obtaining more in-depth answers and information to the City Council questions and to provide updates to the agreement based upon the Council feedback. The extension is set to expire in May. Staff is requesting that you approve an additional 120 day extension for the Agreement to be finalized. We anticipate bringing an updated agreement to you at the May City Council meeting. We recommend that you adopt the Interim City County Utilities Agreement so that we can proceed with the finalization. If you should have any questions or concerns, please do not hesitate to contact me.

Ms. Gilley read from her memo and noted the current extension was set to expire May 11. Staff would like to bring it back for Council at the May meeting and they wanted enough time to get all the kinks worked out so they requested a 120-day extension.

Mayor Hall asked if the County was good with the 120-day extension.

Ms. Gilley advised they were. Staff hoped it did not take that long and they could present a final agreement in May but they just wanted to have that extra cushion.

A motion was made by Council Member Underwood to approve an amendment to the City-County Utility Agreement for a 120-day extension. Council Member Kirkman seconded the motion.

Mayor Hall noted this was the issue they had discussed several months prior where the County was going to sell the pump station for \$800,000 to the City which was how much the County would have in it. What Council had received was a confusing description and all of Council had the same hesitant reaction. That was not what was being proposed and negotiated. It would be several million dollars' worth of equipment, the pump station was just the newest part being added on. He had asked City Manager Jon Mendenhall and Ms. Gilley to find out exactly what the County was offering. When Mayor Hall talked with the chair of the Rockingham County Board of Commissioners, the chair was surprised the City Council had not jumped on the agreement. The County was proposing a deal that more than likely would be in the City's favor, especially if the City ever intended to have sewer on the other side of the river. The extension just gave the City more time to figure out what the County was trying to give them.

Ms. Gilley agreed. Staff hoped to have all the information in May so Council would have a month to look at it.

Council Member Ellis asked if any new information had come up since the previous meeting.

Ms. Gilley said they did and hoped to discuss that in closed session. They wanted the extension done so they could have some extra days for Council to look over it, process it and ask any questions they had.

Council Member Ellis asked if the City had to use all the 120 days.

Ms. Gilley said no. The agreement said 120 days or until the agreement was voted on by both parties, whichever one came first.

All members voted in favor of the motion. The motion carried 6-0.

A copy of this agreement is on file in the City Clerk's Office.

CONSIDERATION TO APPROVE A BID FOR EPA CONTRACT 5A: JUNCTION BASIN SEWER LINES REHABILITATION:

Special Projects Manager Terry Shelton wrote in a memo: The first bid opening for this project Contract 5A (Junction Basin Replacement and Smith River Outfall Replacement and Rehabilitation February 1, 2023). We did not receive the three required bids to open the bids. A second bid opening was rescheduled for March 1, 2023, to allow additional time for contractors to prepare bids.

The March 1 bid opening had only one contractor to submit a bid even with extensive re-advertisement and solicitation of numerous contractors who had done work for the City before. We were able to open bids. The bid submitted was from Yates Construction, INC., \$8,666,348.50. The original engineering estimate that was prepared on January 5 of this year was for a total cost of \$6,193,426.80. The only bidder was \$2,472,921.70 more than the engineer's estimate. Like all contracts recently bid on, this project also came in significantly higher than the estimates had predicted. PVC and Ductile Iron Pipe and Precast Concrete Manhole have steadily increased in price and still have long lead times for delivery.

WK Dickson's engineering staff have reviewed the bids for any errors or omissions and went into negotiations with the contract bidder to see if the price could be reduced by making changes that would not affect the overall performance of the completed project. The consulting engineer's recommendation letter for the award of this contract was forwarded to me late on Friday, April 14, and had been too late to place it on the April agenda. This contract has many items (pipe and manholes) with a long lead time, the sooner we can give the contractor notice to proceed, the better to keep this project within our EPA-mandated timeframe. This is also an exceptionally large contract at \$8,146,318.48 after negotiation, and the contractor has much of his bonding capacity tied up in this single bid preventing him from bidding on other work and not knowing if he will receive this contract. Due to the critical time factor to get this work done by December 31, 2024, we wanted to bring this to the Council for approval on April 24, rather than wait until the May meeting.

The staff requests that the Council approve the sole bid from Yates Construction of \$8,146,318.48, which would be contingent upon approval by the Local Government Commission of a loan increase of \$5,000,000 of our current ASADRA and CWSRF loan. The approval would also be subject to review and approval by the Division of Water Infrastructure as well. With the loan increase of \$5,000,000 we will have the necessary funding available for this project.

EPA Updated Information for Projects and Funding:

- A) EPA – AOC work that we currently need to be completed by December 31, 2024.
 - 1) Contract 2B – Rehabilitation of the Junction Pump Station
 - 2) Contract 5A – Smith River Replacement and Rehabilitation of Piping in Junction Pump Station Basin

- B) These two Projects have been funded by ASADRA (Additional Supplemental Appropriations for Disaster Relief Act of 2019) and CWSRF (Clean Water State Revolving Fund) for a total of \$10,129,852.
 - 1) Contract 2B - Two bids were received and were within \$34,567 of each other. The cost of this project with engineering fees and contingency is \$6,121,127.
 - 2) Contract 5A – One bidder after advertising and soliciting bids twice produced a bid of \$8,666,348.50.
 - 3) These two contracts total \$14,787,476. This leaves a shortfall of \$4,657,624 needed to complete these two projects.
 - 4) We have sought additional funding of \$5 million by increasing the ASADRA and CWSRF loan we currently have. The Division of Water Infrastructure (DWI) allows increasing loans by this amount without reapplication in the normal funding rounds in spring and fall.

- 5) We are currently waiting for the LGC (Local Government Commission) to meet on May 5 to approve the city for the combined loan of \$15,172,225. City Council would have to accept this loan package when the loan offer is made to the City when sent from DWI.
- C) If this loan is approved by the LGC the city would have the funding available to continue these two projects with the necessary funding to complete Contract 5A.
- D) We are requesting that the Council approve the bid for Contract 5A tonight to be awarded to Yates Construction Inc., contingent upon approval of the loan by the LGC and approval and release of funding by DWI.
- E) If acceptance of Contract 5A is approved tonight and the requested additional funding is approved, it will speed up the process to subsequently award this contract in a shorter time frame. This will help meet the EPA completion date.
- F) Please keep in mind that the last three years have seen unprecedented increases in the costs of materials, huge increases in labor costs, and incredibly long delivery times for needed construction materials. These costs have driven our cost for construction up as much as 200% in some cases. We have no control over these costs or the timeframe in which we must complete this work.
- G) Currently, there is funding available in our budgeting process to pay for the initial payments on this loan.
- H) Our latest projections indicate that we may have to increase our future water rates by as much as 8% to support the repayment of these loans.
- I) With the completion of the two projects discussed here, there will be about \$4 million worth of lining work on three sewer lines that will need to be done later when more funding can be obtained. Funding will be sought for these sewer lines where possible over the next 20 months.
- J) In addition, Contract IV which was Glovenia/Spruce/Chestnut Streets Sewer Relocation has been delayed to be completed when funding is available and to possibly be done by the new city construction crew.

Mayor Hall called on Mr. Shelton.

Mr. Shelton thanked the Mayor and City Council for scheduling the special called meeting. Normally when he submitted information for the funding of a job, it had been pretty cut and dry. The funding had already been appropriated and everything was ready to go for Council's approval. There were some moving parts to the current item. The City had been funded by ASADRA (Additional Supplemental Appropriations for Disaster Relief Act of 2019), which were federal funds, and CWSRF (Clean Water State Revolving Fund), which were state funds. Both of those loans had been combined into one for a total of \$10,129,852. The first contract was Junction Pump Station that this money would have been going to and originally it was estimated to cost over \$5 million. Two bids were received and the lowest one was \$6,121,127. It was considerably over the engineering estimate but the two contractors were within \$34,000 apart on a \$6 million bid so it showed that the price of materials they were bidding on was pretty close to being correct. There was also the Smith River replacement rehabilitation which was piping in the Junction Pump Station basin. The two contracts totaled \$14,787,476. That left a shortfall of \$4,657,624 needed to complete both. Staff found out from the Division of Water Infrastructure (DWI) that they had some ASADRA money left over. DWI would allow the City \$5 million additional without going through the application process and reaching out for funding. Staff was currently waiting on the Local Government Commission (LGC), who would meet May 5 to consider a combined loan of \$15,172,225. That was contingent on Council accepting the loan package if the LGC approved it.

He explained staff requested Council approve Contract 5A to be awarded to Yates Construction Inc., contingent upon approval of the loan by the LGC and approval and release of funding by DWI. Subsequently, Council would have to accept the additional \$5 million expected to be offered. He asked Council to please keep in mind that the last three years have seen unprecedented increases in the costs of materials, huge increases in labor costs, and incredibly long delivery times for needed construction materials. There were 20 months left before the EPA deadline of December 31, 2024. If Council had not met that night, the approval would have been delayed until the regular meeting and the City would have lost another three weeks which could be critical to the end of completing the work. It was important to note there was funding available in the

budgeting process to pay for the initial payments on the loan. The loans usually did not have payments come due on them until about six months after the work was completed. It would probably be May 2025 before the payments would start. Staff's latest projections indicated the City may have to increase future water rates by as much as 8 percent to support the repayment of the loans. That could possibly be late in the 2024-25 budget.

Mr. Shelton said staff had delayed doing some pipe lining work on Kings Highway to the Junction Pump Station on Valley Drive. The total currently for the three separate legs of that would be about \$4 million above what they had already discussed. Staff would continue to look for funding over the next 20 months to at least be started on those projects before the time ran out. He thought staff would have produced enough reduction in the sewer system overflows that the EPA should be reasonable and accept the work that had been done up to that point. The time extension modification the EPA gave had language in it that mentioned as far out as 2030 to complete some of the rest of the things that were not currently in the schedule at that point to work on. Contract 4 was delayed and it was specifically mentioned in the time modification that had been given. It took in the sewers that were in the backyard of houses on Glovenia, Spruce, Chestnut, Ash and that general neighborhood. The sewer came out of the houses into a very small main behind the houses that needed to be changed out to better access the sewers should they stop up and the City have to service them. There was a possibility that City forces could do some or all of that work. The sewer lines would be rerouted from the back and come out on the front to a new sewer line in the street. There was a projected estimate of another \$4 million to do that work but if the City could do that in house, it would drop that price considerably as it would just be materials like pipe and possibly a couple of manholes. It was important for Council to have the information before they voted on the memo.

Mr. Shelton said the bidding for Contract 5, which was the Junction Pump Station and Smith River outfall rehabilitation, was first accepted on Feb. 1, 2023 with only two bids coming in so it had to be rebid. Staff waited four weeks to try and get more interest from contractors and had even sent solicitations to contractors they had worked with before trying to get participation. On March 1, they only had one bid and that was Yates Construction who had also submitted one bid on the first bid day. Their bid came in at \$8,666,348.50. It was \$2,472,921 more than the engineer's estimate that was redone Jan. 5, 2023. They estimated based on current jobs they were getting in. It was much more than the City anticipated. W.K. Dickson went through and checked for errors and omissions in the bid, as well as entering into negotiations. They were able to take roughly \$500,000 out of the contract. The new contract wound up being \$8,146,318. Another reason to work hurriedly for acceptance was that the contractor had all his bid bonds tied up in the bid and it was only good for 90 days. With the LGC's consideration, the City would probably be right on the mark where the contractor could withdraw the bid and the City would be back at having to bid it again. Staff was trying to stay ahead of that, work with the contractor and get the work completed. Council's vote would be to approve \$8,146,318.48 and that would be contingent on the LGC approving the loan and Council's eventual acceptance of the additional \$5 million added to the ASADRA and CWSRF loan.

Council Member Moore asked if the loan would be low or zero interest.

Mr. Shelton said it was one-tenth of a percent so it was about as low as money could be loaned out. That rate would apply to the entire loan.

Council Member Ellis noted the LGC was meeting May 5. He asked if Council needed to approve it prior to that meeting.

Mr. Shelton said his thought was if Council had already accepted the bid contingent on the LGC's action that day, the City would be able to move ahead rapidly after May 5. If Mr. Shelton could inform the contractor that Council had accepted the bid, it would reassure the contractor about waiting.

Council Member Ellis asked Mr. Shelton to confirm he did not receive a second bid between Feb. 1 and March 1.

Mr. Shelton said he did not.

Mayor Hall asked about the difference between the bids that came in.

Mr. Shelton said staff could not open the first bid because they had only received one.

Minutes of the April 24, 2023 meeting of the City Council, City of Eden:

Council Member Ellis asked if Yates was already doing work in the City.

Mr. Shelton said they were. They had done a majority of work along with Sam Smith. Mr. Smith was busy and did not bid at all on the project. Yates had been competitive when there was competition and at the same time came in low.

Ms. Gilley advised Yates was pretty good to work with regarding property owners over the years.

Council Member Ellis said this project revolved around the required EPA work. He asked if that correct.

Mr. Shelton said yes. It included parts of the remediation plan and there was a deadline of Dec. 31, 2024.

Council Member Moore said it had to be done and if they waited, it would probably cost more. He made a motion to approve awarding Contract 5A. Council Member Ellis seconded the motion. All members voted in favor of the motion. The motion carried 6-0.

CLOSED SESSION:

To discuss real property and personnel, pursuant to NCGS 143-318.11(a)(5) and (6).

A motion was made to go into closed session by Council Member Kirkman. Council Member Underwood seconded the motion. All members voted in favor of the motion. The motion carried 6-0.

A motion was made to return to open session by Council Member Ellis. Council Member Underwood seconded the motion. All members voted in favor of the motion. The motion carried 6-0.

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

CITY OF EDEN
OFFICE OF CITY MANAGER

MEMORANDUM

TO: Honorable Mayor Neville Hall, and Members of the City Council
FROM: Jon M. Mendenhall, City Manager
SUBJECT: Modernization Efforts in Administration
DATE: 5/3/2023
ENCL: None
CC: File

City Administration staff are working to culminate two large projects, the City Attorney's Office is working to complete the re-codification of the City Code which will provide valuable modernization, streamlining updates, and a searchable code database for residents and staff alike. Administratively, we are also working to streamline and make more efficient the various administrative policies and procedures of the City. By doing this we are aligning each policy/procedure with its functional area so that the employees in the department that are responsible for each policy have their collective policies and procedures in one place. Below is the planned outline of the re-organization of administrative policies and procedures, this will impact all administrative policies and procedures except those identified as "Council Policies". City Council is requested to repeal all non-council policies so that the policies can be re-organized and more effectively reviewed and modernized as conditions/context dictate.

Department of Administration

ADMIN – General Administrative
DC – Design & Construction
PMO – Projects

Department of Finance & Human Resources

FIN – Finance
HR – Human Resources

Department of Information Technology

IT – Information Technology

Police Department

PD - Police

Fire Department

FD - Fire

Department of Public Works

PW – Public Works (department-wide)
SW – Solid Waste

CD – Collections & Distribution
S - Streets
F - Fleet
U – Utilities

Department of Planning & Community Development

PZ – Planning & Zoning
IP – Inspections/Permitting
CED – Community & Economic Development

Department of Parks & Recreation

REC – Recreation
FG – Facilities & Grounds

CITY OF EDEN – MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL

THRU: JON MENDENHALL, CITY MANAGER

FROM: ERIN GILLEY, CITY ATTORNEY

DATE: MAY 8, 2023

SUBJECT: RESOLUTION TO DECLARE SURPLUS AND USE UPSET BID PROCESS FOR THE SALE OF REAL PROPERTY

The City of Eden currently owns two lots on Dallas Street with Rockingham County Tax Parcel Identification Numbers of 146823 and 146812Z1. A GIS Map is attached for your review. This property was donated to the City of Eden from F.C. Properties, LLC in 2017. There is a City sewer line that runs through the property. Mr. Chase Lemons, an adjacent neighbor, has submitted an offer to purchase these vacant lots from the City. City Public Utilities Staff has been questioned regarding this and believes there is no reason that the City needs to retain the property as long as the City retains the 20- foot sewer easement.

Mr. Lemons is a city employee and works in the Community Development Department, Based upon our own City Code of Ethics and state law, I have taken multiple steps from the onset of this process in order to avoid any potential or perceived conflict of interest. I have handled the solicitation and negotiation of the offer with Mr. Lemons and have kept him completely screened from any and all discussion surrounding the process. An initial memo was sent to Mr. Lemons Department Head and the City Manager outlining the process and is attached hereto for your review. If the resolution is approved, we will continue along this path through the upset bid process until completion of the sale.

City Staff believes it would be in the best interest of the City to have this property return to the City Tax Roll and to relieve the City of the maintenance of the empty lots. We are asking that you all approve the resolution declare this property surplus and authorize the upset bid process for the sale.



2008

153

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DALLAS ST

EISENHOWER CT

Parcel Number: 146823

Parcel Number: 146812Z1

CITY OF EDEN – MEMORANDUM

TO: KELLY STULTZ, COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR
CHASE LEMONS, GRANTS ADMINISTRATOR

FROM: ERIN GILLEY, CITY ATTORNEY

DATE: FEBRUARY 7, 2023

SUBJECT: CONFLICT OF INTEREST & RECUSAL

Chase Lemons, Grants Administrator in the Community and Economic Development Department, requested a meeting with myself regarding a potential conflict of interest and how he might proceed and resolve the issue. He explained to me that he and his wife would like to submit an offer on a City owned vacant lot. The lot was gifted to the City several years ago. It has a sewer line that runs through the middle of it.

I advised Mr. Lemons that I would look into this issue and respond with the best way to proceed on the matter. Mr. Lemons works in the same department that is usually tasked with selling City owned properties. The process consists of an initial decision as to whether the City is interested in selling the property. Subsequently, if that answer is yes, the offer will be received and notice will be given for an upset bid and that process will ensue until a final offer is reached. At that point, the offer will go to the City Council for approval.

Based upon our own City Code of Ethics and state law, this would present a conflict of interest for Mr. Lemons if he was involved in the decision-making process or even a part of the discussions. In order to avoid this potential conflict of interest, Mr. Lemons will need to be completely screened, not present for, included in, or even able to hear any of the discussion surrounding this process. (From the initial decision to the City Council decision and even the deed preparation).

This notice will be kept for records, will be a public record and be shared with the City Manager. In the event this offer or any offer by Mr. Lemons makes it to the City Council, this memo and documentation will also be shared with the Council. In addition, in order to be in strict compliance with the City's and States Code of Ethics, I would ask that documentation be kept on all steps in the process so that there is proof of compliance.

RESOLUTION AUTHORIZING UPSET BID PROCESS

WHEREAS, the City of Eden owns certain properties with Rockingham County Tax Parcel Identification numbers: 146823 and 146812Z1, Dallas Street, Eden, NC; and

WHEREAS, North Carolina General Statute § 160A-269 permits the city to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the City has received an offer to purchase the property described above, in the amount of \$1,000, submitted by Chase Lemons. Said purchase would also include a provision in the conveying deed that the City would retain its 20'(foot) sewer line easement through the property; and

WHEREAS, Chase Lemons has paid the required five percent (5%) deposit on his offer;

THEREFORE, THE CITY COUNCIL OF THE CITY OF EDEN RESOLVES THAT:

1. The City Council declares Rockingham County Tax Parcels with Identification Numbers 146823 and 146812Z1 as surplus property.

2. The City Council authorizes the City Staff to use the upset bid procedure for the property described above pursuant to North Carolina General Statute § 160A-269.

3. The city clerk shall cause a notice of the offer to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.

4. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the city clerk within 10 days after the notice of the offer is published. At the conclusion of the 10-day period, the Director of Planning and Inspections shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.

5. If a qualifying higher bid is received, the city clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the City Council.

6. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.

7. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The city will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The city will return the deposit of the final high bidder at closing.

8. The terms of the final sale are that the City Council must approve the final high offer before the sale is closed, which it will vote to do within 30 days after the final upset bid period has passed, and the buyer must pay with cash, cashier's check, or certified check at the time of closing.

9. If no qualifying upset bid is received after the initial public notice, the offer set forth above shall be voted upon by City Council for acceptance or rejection.

10. The city reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all offers/bids.

APPROVED, ADOPTED AND EFFECTIVE this ____ day of May, 2023.

CITY OF EDEN

By: _____

Neville Hall, Mayor

ATTEST:

Deanna Hunt, City Clerk

CITY OF EDEN – MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL

THRU: JON MENDENHALL, CITY MANAGER

FROM: ERIN GILLEY, CITY ATTORNEY

DATE: MAY 8, 2023

SUBJECT: RESOLUTION TO DECLARE SURPLUS AND USE UPSET BID PROCESS FOR THE SALE OF REAL PROPERTY

The City of Eden currently owns property on Byrd Street with a Rockingham County Tax Parcel Identification Number of 111731. A GIS Map is attached for your review. This lot was the location of our Byrd Street Water Tank for many years. The Council authorized Staff to have this Tank demolished earlier this year. It has been completed and Mr. Ronnell Wilson, an adjacent neighbor, has submitted an offer to purchase this vacant lot from the City. City Public Utilities Staff has been questioned regarding this and believes there is no City infrastructure remaining on the property that the City wishes to retain, and has no desire to retain the property.

City Staff believes it would be in the best interest of the City to have this property return to the City Tax Roll and to relieve the City of the maintenance of the empty lot. We are asking that you all approve the resolution declare this property surplus and authorize the upset bid process for the sale.



RIDGE AVE

N BYRD ST

SLAYTON ST

E STADIUM DR

S BYRD ST

1318

1320

110

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109

105

105

1407

101

1401

1405

1325

1406

1321

1402

1317

1311

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1308

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1320

106

RESOLUTION AUTHORIZING UPSET BID PROCESS

WHEREAS, the City of Eden owns certain property with Rockingham County Tax Parcel Identification number: 111731, Byrd Street, Eden, NC; and

WHEREAS, North Carolina General Statute § 160A-269 permits the city to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the City has received an offer to purchase the property described above, in the amount of \$1,500, submitted by Ronnell Wilson; and

WHEREAS, Ronnell Wilson has paid the required five percent (5%) deposit on his offer;

THEREFORE, THE CITY COUNCIL OF THE CITY OF EDEN RESOLVES THAT:

1. The City Council declares Rockingham County Tax Parcel with Identification Number 111731 as surplus property.
2. The City Council authorizes the City Staff to use the upset bid procedure for the property described above pursuant to North Carolina General Statute § 160A-269.
3. The city clerk shall cause a notice of the offer to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
4. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the city clerk within 10 days after the notice of the offer is published. At the conclusion of the 10-day period, the Director of Planning and Inspections shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
5. If a qualifying higher bid is received, the city clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the City Council.
6. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.
7. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The city will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The city will return the deposit of the final high bidder at closing.
8. The terms of the final sale are that the City Council must approve the final high offer before the sale is closed, which it will vote to do within 30 days after the final upset bid period has passed, and the buyer must pay with cash, cashier's check, or certified check at the time of closing.

9. If no qualifying upset bid is received after the initial public notice, the offer set forth above shall be voted upon by City Council for acceptance or rejection.

10. The city reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all offers/bids.

APPROVED, ADOPTED AND EFFECTIVE this ____ day of May, 2023.

CITY OF EDEN

By: _____

Neville Hall, Mayor

ATTEST:

Deanna Hunt, City Clerk



To: Honorable Mayor and City Council

Thru: Jon Mendenhall, City Manager

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

Date: May 16, 2023

Re: Budget Amendment # 7

The attached budget amendment allocates funds received from the State of North Carolina for Unauthorized Substance Excise Tax. These funds are generated due to cases that are worked by the Eden Police Department. The Police Department will use these appropriated funds to purchase weight room equipment, furniture for additional office, and supplies/equipment for patrol and detective division.



MEMORANDUM

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Amy P. Winn
Assistant Director of Finance
Date: May 16, 2023
Subject: Budget Amendment # 7

	Account #	From	To	Amount
General Fund Revenues				
Police Unauthorized Substance Tax	10-3431-41800	\$ -	\$ 16,900.00	<u>\$ 16,900.00</u>
General Fund Expenditures				
Police Departmental Supplies	10-4310-29100	\$ 40,000.00	\$ 56,900.00	<u>\$ 16,900.00</u>

Appropriates funds received from State of NC for Unauthorized Substance Tax.

Adopted and effective this 16th day of May, 2023.

Attest:

Deanna Hunt, City Clerk

Neville Hall, Mayor



To: Honorable Mayor and City Council

Thru: Jon Mendenhall, City Manager

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

Date: May 16, 2023

Re: Budget Amendment # 8

The attached budget amendment allocates funds received from Prowler Sports activities. These funds were not initially included in the FY 22-23 budget. This budget amendment increases the Recreation Program Activities line item.



MEMORANDUM

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Amy P. Winn
Assistant Director of Finance
Date: May 16, 2023
Subject: Budget Amendment # 8

	Account #	From	To	Amount
General Fund Revenues				
Prowler Sports	10-3612-41400	\$ -	\$ 15,800.00	<u>\$ 15,800.00</u>
General Fund Expenditures				
Recreation Program Activities	10-6120-29600	\$ 62,400.00	\$ 78,200.00	<u>\$ 15,800.00</u>

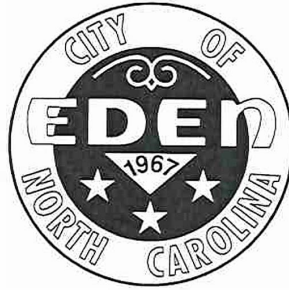
Appropriates funds received from Prowler Sports fees.

Adopted and effective this 16th day of May, 2023.

Attest:

Deanna Hunt, City Clerk

Neville Hall, Mayor



To: Honorable Mayor and City Council

Thru: Jon Mendenhall, City Manager

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

Date: May 16, 2023

Re: Budget Amendment # 9

The attached budget amendment allocates funds received from a grant from NCDEQ for an electric vehicle charging station with (4) charging ports on Henry Street. This budget amendment increases the Planning & Community Development C/O Equipment line item.



MEMORANDUM

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Amy P. Winn
Assistant Director of Finance
Date: May 16, 2023
Subject: Budget Amendment # 9

	Account #	From	To	Amount
General Fund Revenues				
EV Charging Station Grant	10-3491-87000	\$ -	\$ 13,300.00	<u>\$ 13,300.00</u>
General Fund Expenditures				
Planning & Comm Dev C/O Equipment	10-4910-57001	\$ -	\$ 13,300.00	<u>\$ 13,300.00</u>

Appropriates funds received from Electric Vehicle Charging Station grant.

Adopted and effective this 16th day of May, 2023.

Attest:

Deanna Hunt, City Clerk

Neville Hall, Mayor



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

Level 2 Charging Rebate Agreement

Randy Hunt
City of Eden
308 East Stadium Drive
Eden, NC 27288-3523
Application Number: 1000014450
Contact email: rhunt@edennc.us
Contact phone: (336) 613-2859

This rebate agreement is for an amount of **\$20,000** for Henry Street EV Charging Station. The final rebate amount will be determined by the maximum rebate amount per port **\$5,000** multiplied by the approved number of charging ports 4 up to the approved rebate amount of \$20,000, or percentage of total actual project invoiced costs **100%**, whichever is less.

By accepting this rebate award, I certify that (please initial):

- The project is not a private residential dwelling other than a multi-unit dwelling.
- An adequate power supply exists to provide power to all charging stations simultaneously. If power supply upgrades are required, I certify that upgrades will be made at installation.
- The charging station(s) will be placed in parking spots restricted to electric vehicle parking only. The parking spots will be designated with appropriate signage outlined in the Request for Proposals, Site Requirements. A single-port charging station must have one EV-only parking spot; a dual-port charging station must have two EV-only parking spots.
- I have a plan to minimize theft of service or vandalism of charging station(s), as applicable.
- I have title ownership to the site or facility where the proposed charging station is being installed; or
 - I have attached written approval for the charging station installation and use for a minimum of five years from the title owner of the property; or
 - I will submit within 21 business days written approval for charging station installation and use for a minimum of five years from the title owner of the property.
- The charging station(s) will be kept operational and in service for a minimum of five years.
- I certify that the installed Level 2 charging equipment will meet the minimum equipment specifications in the Level 2 Program Request for Proposals.
- I have identified the party responsible for the maintenance and service for a minimum of five years.
- All required permits and approvals will be obtained prior to installation and use of the charging station(s) and the charging station(s) will comply with applicable federal, state, and local laws, to the best of my knowledge.

(continued on next page)



North Carolina Department of Environmental Quality
217 West Jones Street | 1601 Mail Service Center | Raleigh, North Carolina 27699-1601
919.707.8600

Kathy Ruhl

City of Eden

Application Number: 1000014450

Page 2

- I will make every effort for the charging station(s) to be Americans with Disabilities Act (ADA) compliant and follow all applicable laws, ordinances, regulations, and standards.
- I will submit quarterly reports on the status of the project to the North Carolina Department of Environmental Quality (NCDEQ) for the previous 3 months within 14 days after the end of each quarter until the project is completed. Reporting quarters end March 31, June 30, September 30, and December 31. Failure to submit required reports will result in NC DEQ suspending the acceptance of any new applications from the applicant. A template for the quarterly report will be provided on the website, <https://deq.nc.gov/vw-settlement/forms>.
- I will submit annual charging station usage data to the North Carolina Department of Environmental Quality (NCDEQ) for the previous 12 months on January 30th of each consecutive year for a five year period after installation of the charging station(s) in either a CSV or XLS format. An EV Utilization Annual Reporting template with the required data points will be available on N.C . Volkswagen website, <https://deq.nc.gov/vw-settlement/forms>.
- I will submit a final report to the North Carolina Department of Environmental Quality (NCDEQ) that will include a narrative summary of the project or activity, project results (outputs and outcomes) and the successes and lessons learned for the entire project. A template for the final project report will be made available by NCDEQ on our webpage, <https://deq.nc.gov/vw-settlement/forms>.
- I will upload photographic evidence of installed charger(s) purchased to the DAQ Grants Management System. Complete and include NCDAQ Form 002 EV Infrastructure Certificate of Installation with required photographic evidence of charger(s).
- I will make the charging station(s) available to NCDEQ to perform a site visit to verify installation and operation prior to claim reimbursement approval by NCDEQ.

Please complete this rebate agreement via DocuSign within **15 business days of the date of this agreement. If NCDEQ does not receive this completed and signed agreement within that time, your rebate award will be forfeited.**

Signature of Authorized Representative	Date
<i>Chase Lemons</i> <small>DocuSigned by: 084A8DE2C0CF48D...</small>	2/10/2023
Print Name	Title
Chase Lemons	Economic Development Specialist
By signing this agreement, I understand requirements of this agreement and that this award is valid for 548 days from the date this agreement is signed by the Authorized Representative and NCDEQ.	

The NCDEQ reserves the right to request additional documentation and may perform follow-up site visits to ensure compliance with the above requirements.

Signature of NCDEQ Representative	Date
<i>Tommy Kirby</i> <small>DocuSigned by: 88500235680A488...</small>	2/10/2023
Print Name	Title
Tommy Kirby	Purchasing Director
Agreement Number:	