

**EDEN CITY COUNCIL
REGULAR MEETING AGENDA
SEPTEMBER 19, 2023 at 6 p.m.
Council Chambers, 308 E. Stadium Drive**

1. Meeting called to order by: Neville Hall, Mayor
2. Invocation: Pastor Lauren Sims Salata, Leaksville United Methodist Church
3. Pledge of Allegiance: Led by Harper Gilley, second grader at Leaksville-Spray Elementary School
4. Proclamations and Recognitions:
 - a. Proclamation: Constitution Week
 - b. Proclamation: Remember Me Thursday
5. Roll Call
6. Set Meeting Agenda
7. Public Hearings:
 - a. Consideration to approve amending CDBG funding to include the Fire Station #2 rehabilitation project. **Kelly Stultz, Planning & Community Development Director**
8. Requests and Petitions of Citizens
9. Unfinished Business:
 - a. Consideration to adopt a resolution calling for a public hearing on the annexation petition for 773 Summit Loop. **Kelly Stultz, Planning & Community Development Director**
10. New Business:
 - a. Consideration of appointments to Boards and Commissions. **Kelly Stultz, Planning & Community Development Director**
 - b. Consideration to adopt a resolution to direct the Clerk to investigate the sufficiency of an annexation petition for 212 Bryant St. **Kelly Stultz, Planning & Community Development Director**
 - c. Consideration to adopt an ordinance to amend Chapter 16: Utilities of the City Code. **Erin Gilley, City Attorney**
11. Reports from Staff:
 - a. City Manager's Report. **Jon Mendenhall, City Manager**
12. Consent Agenda:
 - a. Approval and adoption of the August 15, 2023 Council meeting minutes. **Deanna Hunt, City Clerk**
 - b. Approval and adoption of a resolution to apply for additional funding for the North Basin project. **Melinda Ward, Utilities Manager**
 - c. Approval and adoption of Budget Amendment #1. **Tammie McMichael, Finance and Personnel Director**
 - d. Approval and adoption of Budget Amendment #2. **Tammie McMichael, Finance and Personnel Director**

- e. Approval and adoption of a resolution of tentative award to Synagro for the North Basin project cleanout. **Melinda Ward, Utilities Manager**
- f. Approval and adoption of a resolution to apply for funding for the Kings Highway rehabilitation project. **Terry Shelton, Special Projects Manager**

13. Announcements

14. Adjournment



PROCLAMATION
Constitution Week 2023

WHEREAS, September 17, 2023 marks the two hundred and thirty-sixth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, Neville Hall, by virtue of the authority vested in me as Mayor of the City of Eden do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Eden to be affixed this 19th day of September of the year of our Lord two thousand twenty-three.

Neville Hall, Mayor

Attest:

Deanna Hunt, City Clerk



PROCLAMATION
Remember Me Thursday 2023

WHEREAS, Friends of Eden Animal Rescue is participating in Remember Me Thursday®; and

WHEREAS, the staff and volunteers of Friends of Eden Animal Rescue have agreed to devote their time, resources, and energy to this united effort to bring attention to orphaned pets; and

WHEREAS, Friends of Eden Animal Rescue will hold a public candle-lighting ceremony with the goal of remembering those orphaned animals who died without a loving home and shining a light on the orphaned animals still waiting for their forever homes throughout the City of Eden and Rockingham County, North Carolina area; and

WHEREAS, Friends of Eden Animal Rescue is working in cooperation with animal organizations and rescue groups from around the world in partnership with Remember Me Thursday® founder Helen Woodward Animal Center; and

WHEREAS, the Remember Me Thursday® campaign will assist in not only bringing attention to the orphaned pets in Eden, North Carolina but will therefore result in increased adoptions of these pets,

NOW THEREFORE, let it be proclaimed that the City of Eden declares that the fourth Thursday of September 2023 is the official Remember Me Thursday® day.

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, Director
Re: Grant Funds for Fire Station #2 Using CDBG Funds
Date: September 13, 2023

The grant for the rehabilitation of Fire Station #2 requires a public hearing to be held regarding the project. The rehab project is an added provision on the CDBGNR for Draper grant. The appropriate notices have been advertised for your regular September meeting.

If you have any questions, please let me know.



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**
773 Summit Loop
Date: September 8, 2023

At your August regular meeting, you instructed the City Clerk to investigate the sufficiency of a petition for voluntary annexation for the property located at 773 Summit Loop owned by Jason S. Darnell of Brason Properties LLC.

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 October 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.
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.
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.

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

(SEAL)

Deanna Hunt

Deanna Hunt, City Clerk





DEED NORTH
D.B.1645 PG.2747

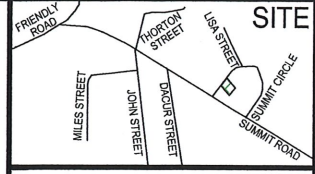
I, Gregory M. Gorrell, certify that this map was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____ as _____, Page _____); that the boundaries not surveyed are indicated as drawn from information in Book _____ as _____, Page _____; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56. 1600).

This 18th day of July, 2023



Professional Land Surveyor

Seal



Location Map: Not To Scale

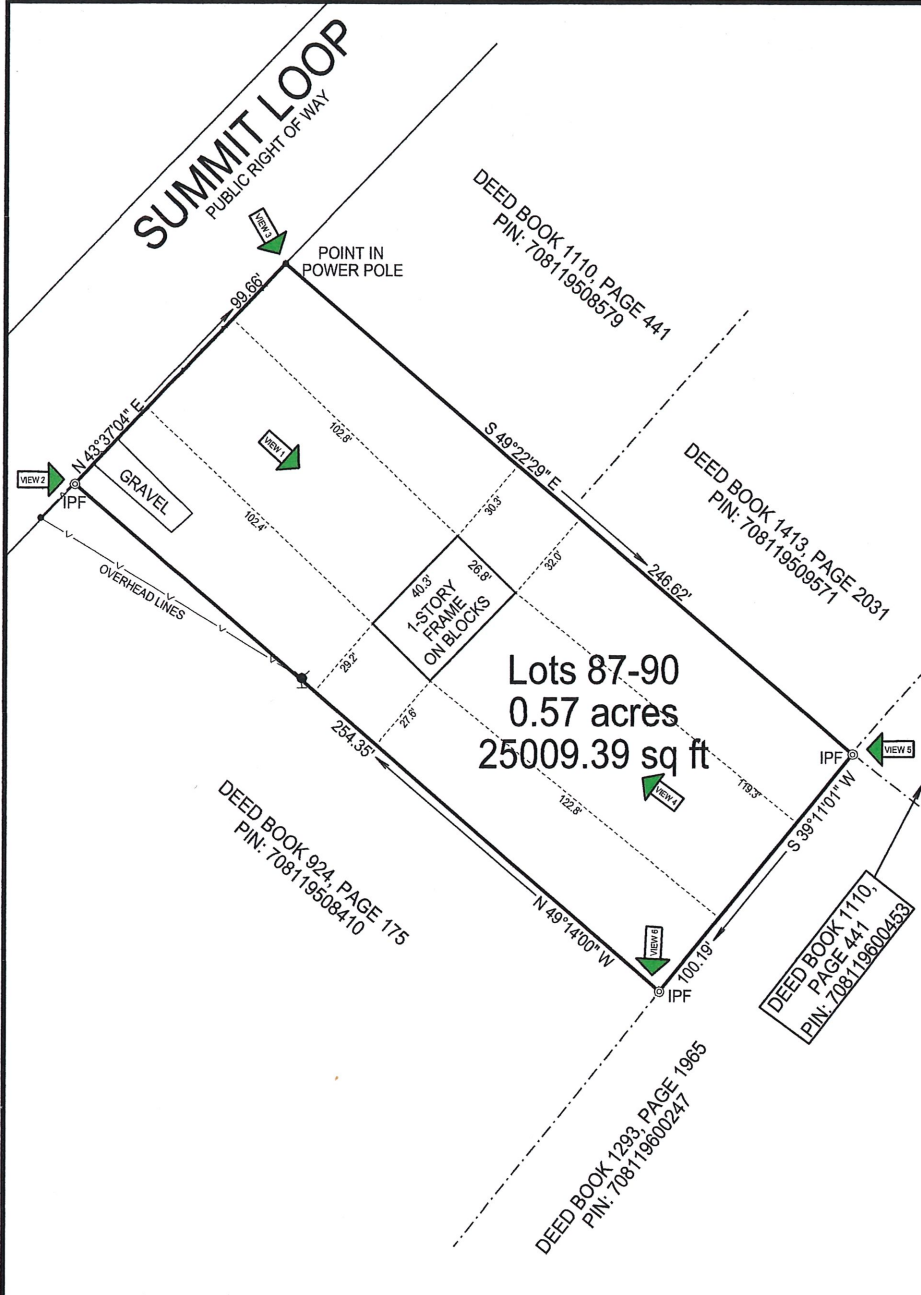
- ⊙ Iron pipe found (IPF)
- Iron pipe set (IPS)
- R/W Right of Way
- Power Pole

LEGEND

- ⊙ Computed Point (Not Set)
- MBL Minimum / Max Building Line

- Overhead Lines
- Fence Line
- - - Neighbors Property Line
- - - Edge of Easement

Photos were taken at time survey was performed. View points and viewing direction are indicated on map of survey.



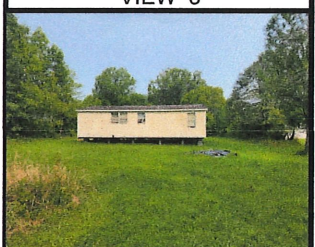
VIEW 1



VIEW 2



VIEW 3



VIEW 4



VIEW 5



VIEW 6

This map does not meet G.S. 47-30 Mapping Requirements of N.C. and is not for recordation. Drawn by: MLH File name: 773 summit loop

Map of Survey For:

This property is subject to any easements, agreements, or rights-of-ways of record prior to this date and not visible at the time of inspection. This is to certify that this plot was drawn from a recorded map and field survey. That the property lines and location of all structures are accurately shown hereon; and there are no encroachments either way across property lines, unless noted otherwise. This property has not been evaluated for special flood hazard area as determined by the Department of Housing and Urban Development. For flood boundaries contact the Federal Emergency Management Agency.

Brason Properties
773 Summit Loop
Lots 87-90
Subd. No. 1 for S.T. Jackson &
George W. Smith
Leaskville Township
Rockingham County, NC
Deed Ref. 1645@2747
PIN: 708119508468

DATE: 07-18-2023 SCALE: 1"= 30'

This Survey was performed without the benefit of a title search and is subject to any facts and easements which may be disclosed by a complete title search.



FOUR POINTS SURVEYORS
G. Matthew Gorrell, Professional Land Surveyor
mail to: P.O. Box 986 Summerfield, NC 27358
Phone: 336.669.0209, email: MATT@4PTSS.COM
website: www.4PTSS.com

**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 August 15, 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 October 17, 2023.

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

BEGINNING at a stake set in the eastern edge of Summit Circle, which beginning point is also a corner between Lots Nos. 86 and 87 running thence with Summit Circle, South 43 deg. 54 min. West 100.00 feet to a stake, a corner between Lots Nos. 90 and 91; thence South 49 deg. 14 min. East 254.30 feet to a stake where Lots Nos. 90 and 91, corner with Lots Nos. 98 and 99, thence North 39 deg. 24 min. East 100 feet to a stake, a rear corner between Lots 86 and 87; thence with the dividing line between Lots Nos. 86 and 87 North 49 deg. 16 min. West 246.5 feet to a stake set in the eastern edge of Summit Circle, the point of beginning and being Lots Nos. 87, 88, 89, and 90, according to map of Subdivision No. 1, for S. T. Jackson and George W. Smith, dated August 21, 1947, as per survey of H. S. Pierce, C. E., and being the identical lots conveyed by deed dated April 26, 1952, which deed is of record in Book 425, Page 132. See also Deed Book 425, page 198. The same also being the identical tract described in Book 585, Page 106. See Deed Book 594, Page 564, Book 637, Page 103, Book 647, Page 373 and Book 772, Page 1765. WM4s-110623.

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 19th day of September, 2023.

CITY OF EDEN

BY: _____
Neville A. Hall, Mayor

ATTEST:


Deanna Hunt, CMC, City Clerk

PETITION REQUESTING A NON-CONTIGUOUS ANNEXATION

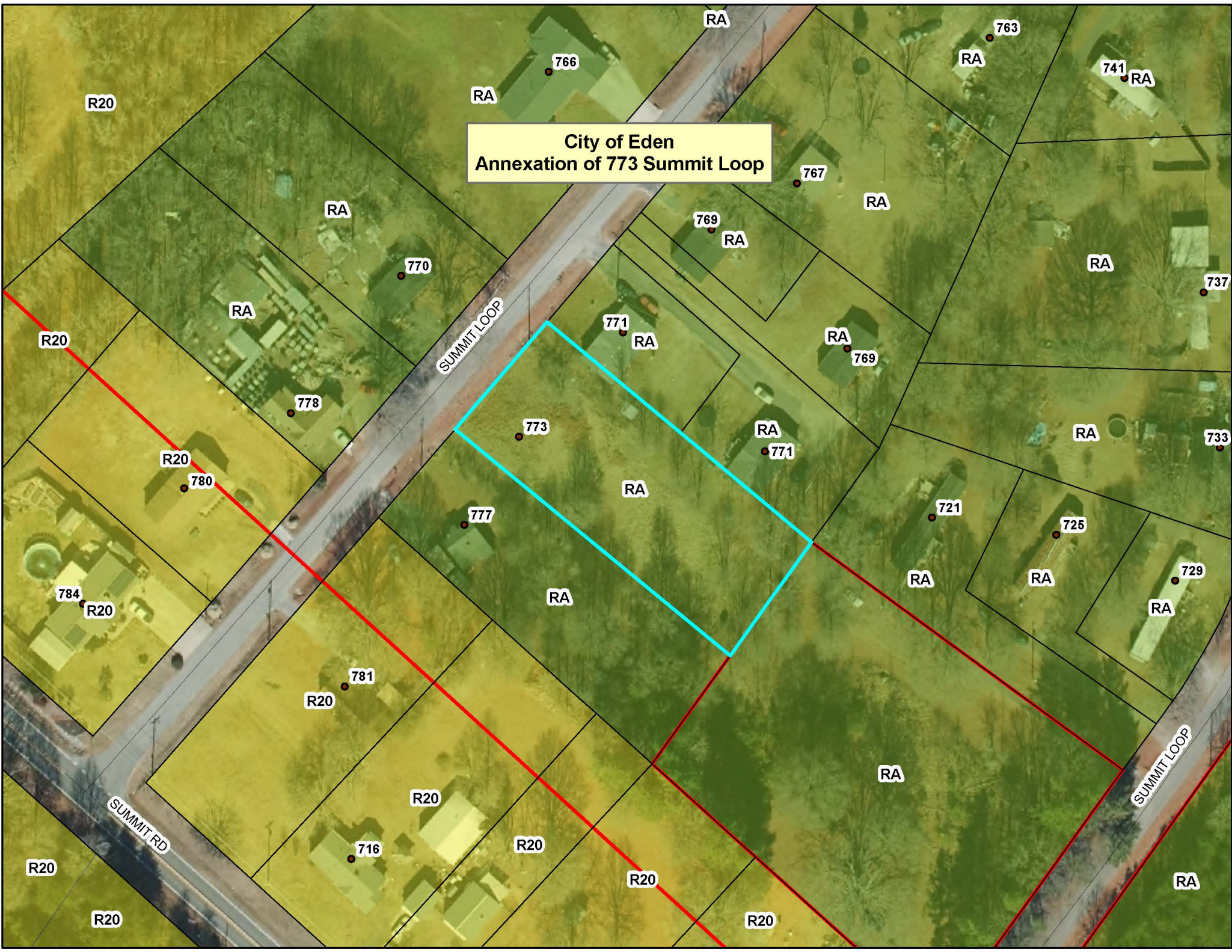
Date: 7-20-2023

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-58-58.3 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 or No</u>	<u>Signature</u>
Brason Properties LLC Jason S. Darnell, Manager	Property Address: 773 Summit Circle Eden, NC 27288	Yes	 MGR
	PIN... 7081 19 50 8468 00		
	Mailing Address: 5014 Casting Way, Greensboro, NC 27455		

City of Eden
Annexation of 773 Summit Loop





Planning and Community Development Department

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

MEMO

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Kelly K. Stultz, Director
Subject: **2023 Boards and Commissions Appointments**
Date: September 8, 2023

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

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

Ward 1 Councilman Moore

Tree Board – Mike Corum (Resigned)

Ward 2 Councilman Nooe

Community Appearance – Martha Corum (Resigned)

Ward 3 Councilman Kirkman

None to report

Ward 4 Councilman Epps

None to report

Ward 5 Councilman Underwood

None to report

Ward 6 VACANT

None to report

Ward 7 Councilman Ellis

None to report

Mayor Hall

None to report

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

None to report

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

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



Planning and Community Development Department

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

MEMO

TO: Honorable Mayor and City Council
THRU: Jon Mendenhall, City Manager
FROM: Kelly K. Stultz, AICP, Director
SUBJECT: **Annexation Request – 212 Bryant Street**
DATE: **September 8, 2023**

The City has received an annexation request for property located at 212 Bryant Street. The property is owned by James Gilley of JMG Properties of Eden LLC.

A motion to adopt a "Resolution Directing the Clerk to Investigate a Petition Received under G.S. 160A-58.1" is in order.

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 May 11, 2023, by the City Council of the City of Eden; and

WHEREAS, N.C.G.S. 160A-58.2 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 19th day of September, 2023.

CITY OF EDEN

BY: _____
Neville A. Hall, Mayor

ATTEST:

Deanna Hunt, CMC
City Clerk

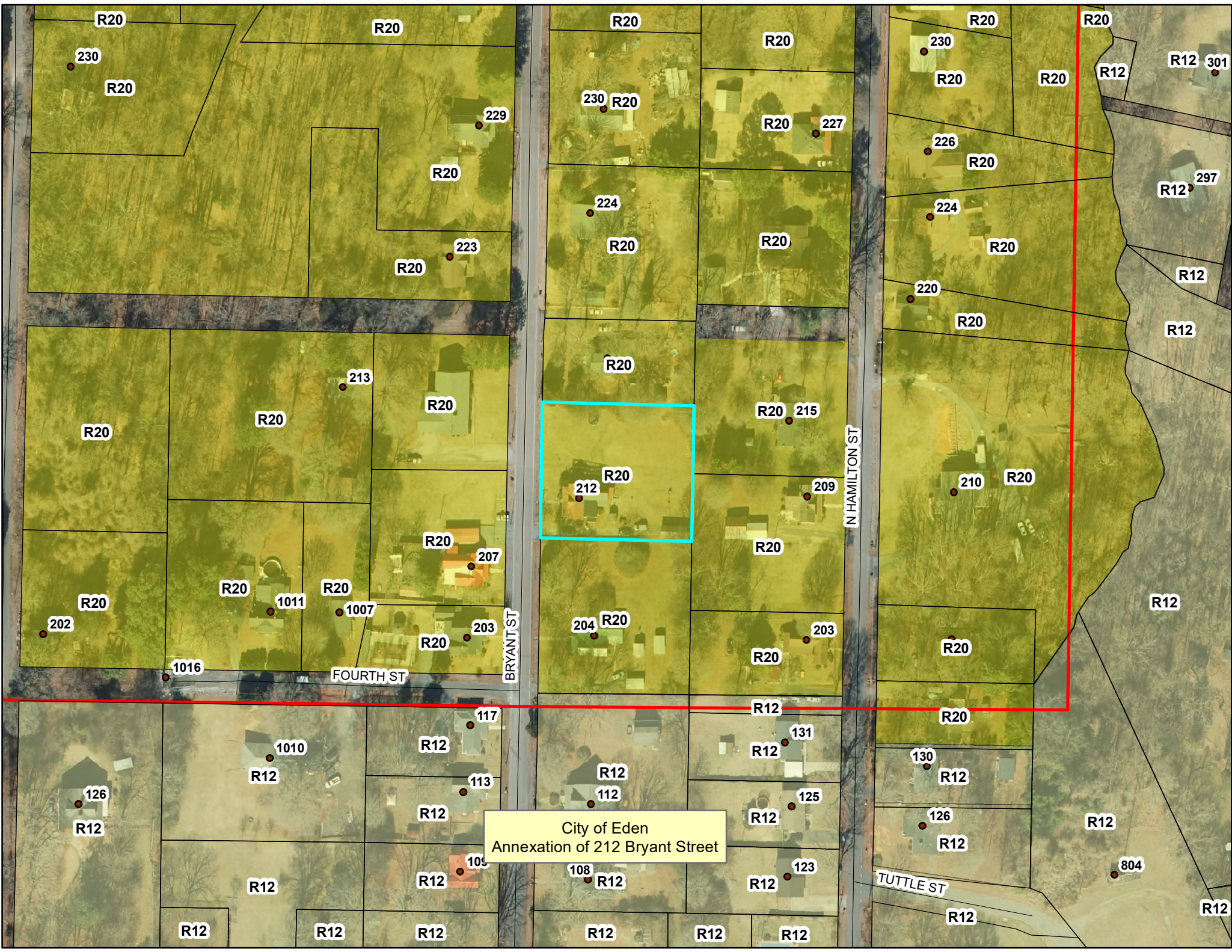
PETITION REQUESTING A NON-CONTIGUOUS ANNEXATION

Date: 5/11/23

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 or No</u>	<u>Signature</u>
<u>James Gilley</u>	<u>212 Bryant St</u>	<u>No</u>	<u>J Gilley</u>
<u>JMG Properties of Eden LLC</u>			



City of Eden
Annexation of 212 Bryant Street

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R20

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N HAMILTON ST

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FOURTH ST

BRYANT ST

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TUTTLE ST

R12

R12



City of Eden
Annexation of 212 Bryant Street

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FOURTH ST

BRYANT ST

N HAMILTON ST

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804

TUTTLE ST



MEMORANDUM

To: Honorable Mayor and City Council

Thru: Jon Mendenhall, City Manager

From: Erin B. Gilley

Date: September 8, 2023

Subject: Amendment Chapter 16 Article II of the City Code

Chapter 16 is our Utilities Section of the Code Book. Currently, the City requires city sewer connections to developed properties that are within 200 feet of a sewer line. Septic systems on such properties are prohibited from being installed; and they are only allowed to remain in the City if they are in working condition and the property owner agrees to pay an availability fee every month in lieu of connecting.

We do not currently have a similar requirement on the water connection side. The NC plumbing code does offer some restrictions on well drilling, but nothing that would generally require city connections onto our water system. Staff feels this would protect the City water system with cross connection issues that may arise, as well as preserving the integrity of the economic status of the water system. The requirements are almost identical to the ones on the sewer side. To require a water connection, a property must be developed, within 200 feet of an available water line, and also, the water pressure must be adequate. In these instances, city water connection would be required. This ordinance would give the City the ability to enforce this.

As with the sewer ordinance, if a well was already being used inside the City in an area where City water was available, the property owner could opt to continue to use the private well, as long as it is in working condition, inspected and permitted by the County, if they pay an availability fee equal to the monthly flat rate charge.

Please review the proposed ordinance addition that is attached. Changes are in red. My recommendation is that you adopt this amendment. If you have any questions, please let me know.

DIVISION 1 GENERALLY

[Reserved]

DIVISION 2 WATER SYSTEM

§ 16-36 SUPERVISION; APPOINTMENT OF SUPERINTENDENT.

(A) The water system of the city shall be under the direct supervision and control of the City Council, which may from time to time make such rules and regulations not inconsistent with this article as it deems necessary.

(B) The City Manager shall appoint a Superintendent who, subject to the supervision and control of the City Council, shall operate the Water Department. The Superintendent shall perform such duties as may be prescribed by ordinance or by direction of the City Council.
(‘89 Code, § 16-36)

§ 16-37 SUPERINTENDENT'S AUTHORITY TO ENTER FOR PLUMBING INSPECTION.

The Superintendent of the Water Department or his authorized assistant may enter the premises of any water customer between the hours of 8:00 a.m. and 6:00 p.m. to examine the pipes and fixtures, the quantity of water used and the manner of its use.
(‘89 Code, § 16-37)

§ 16-38 AUTHORITY TO TEMPORARILY DISCONTINUE SERVICE.

The city reserves the right at any time to shut off water in any main in case of accident or damage or for the purpose of making connections, alterations or repairs.
(‘89 Code, § 16-38)

§ 16-39 APPLICATION FOR SERVICE.

All applications for the use of water must be made at the office of the Water Department on the prescribed form and signed by the owner of the property or his authorized agent. The application when approved shall be a contract to take the supply and shall bind the applicant, so long as the water is taken, to pay to the city the established rates and to comply with all reasonable rules and regulations prescribed by the city.
(‘89 Code, § 16-39)

§ 16-40 CONNECTIONS; SEPARATE WATER METERS; PERMIT FOR PRIVATE FIRE PROTECTION; RESTRICTIONS ON CROSS-CONNECTIONS.

(A) The city will furnish all material and make all connections to the water mains and install all water service pipes from the mains to the inside of the property line. Each separate business, residence, mobile home or other structure shall have a separate water meter.

(B) All plans for private fire protection shall be submitted to and a permit obtained from the Water Department before installation or extensions to existing installations are made. No person will be allowed to make a cross-connection between the Water Department's supply and a private well, spring or other source. There shall be no cross-connection between the city waterlines and air lines used for washing automobiles or for any other purpose. Where water passes through recirculating systems such as cooling towers, etc., there shall be no physical connection between the waterworks system and the pressure lines from the recirculating system.

('89 Code, § 16-40) Penalty, see § 16-72

§ 16-41 METERS REQUIRED.

No person within or without the city limits shall connect with the city water system or with waterlines belonging to any person connected with the city systems unless and until a meter approved by the city for measuring the amount or quantity of water used is installed in conjunction with such connection.

('89 Code, § 16-41) Penalty, see § 16-72

§ 16-42 INSTALLATION OF CORPORATION COCK; MAINTENANCE OF CONNECTIONS AND FIXTURES.

There shall be installed on each water service line at a convenient place a corporation cock for the control of the water service by the property owner or his agent or tenant. The pipe and connections in the street shall be maintained by the Water Department without expense to the consumer or owner of the property. All fixtures within the premises must be kept in repair by the property owner or consumer.

('89 Code, § 16-42) Penalty, see § 16-16-72

§ 16-43 OWNER'S RESPONSIBILITY FOR CONNECTION; LICENSED PLUMBER REQUIRED; INSPECTION.

The property owner shall be responsible for installing waterlines from the property line to connect with the city system. All waterlines, fixtures and plumbing shall be installed by a plumber licensed to

engage in plumbing work in the city by the state, and all material used in such installation shall be approved by the city. Water shall not be turned on at any premises until the installation on private property has been inspected and approved by the city.
(’89 Code, § 16-43) Penalty, see § 16-72

§ 16-44 UNAUTHORIZED USE OF WATER PROHIBITED.

It shall be unlawful for any person to fill any lake, pool, pond or other reservoir or use a stream of water larger than two inches for washing or flushing purposes without permission from the Superintendent of the Water Department. It shall be unlawful to supply or sell water, either before or after using it, to other persons or families, nor shall any person take away or carry water from any hydrant, public fountain or other outlet without the consent of the Superintendent of the Water Department. The fire hydrants are for the use of the Fire Department and are not to be used by any other person for any purpose without permission from the Superintendent of the Water Department.
(’89 Code, § 16-44) Penalty, see § 16-72

§ 16-45 DAMAGING, OBSTRUCTING WATER SYSTEM PROHIBITED.

It shall be unlawful for any person other than an authorized employee of the city to tamper with, manipulate, damage, remove, obstruct or otherwise harm the water mains, service lines or other apparatus or appurtenances which are a part of the water system of the city.
(’89 Code, § 16-45) Penalty, see § 16-72

§ 16-46 CONNECTIONS REQUIRED.

(A) Every person owning a dwelling, building or other structure which is used for human habitation or occupancy within the City situated on a lot or parcel of land which abuts or adjoins a street or other public way along which is located a city waterline, shall connect such dwelling, building or structure to the water system at the owner's expense within 180 days after date of receiving notice to do so; provided, however, that a connection shall not be required to the system unless the lot or parcel of land on which the dwelling, building or other structure is situated is accessible within 200 feet. No person shall be required to cross private property of any other person to make such connection. In addition, a connection shall not be required to the system unless adequate water pressure can be achieved.

(B) When public water mains become available to property and/or adequate pressure becomes achievable, as described in subsection (A), the property owner shall be made aware that connection to the public water system is required and that such connection shall be made within 180 calendar days from the date of such notification. Nonuse of the public water mains shall only be as approved by the City Council on a case-by-case basis when making sewer available to a property would be impractical or cost prohibitive to the City.

With exception to subsection (A) and (B), a property owner, who is currently using a ~~septic tank system~~ a private well in good working condition, in lieu of connection, may elect to pay a periodic availability charge in the amount of the minimum periodic service charge for properties that are connected. The aforesaid exception shall cease being available at such point in time as the Rockingham County Health Department deems that the well system has failed. At such time, the property owner shall

follow the procedure set forth in subsection (A) and (B).

(C) Private well systems are prohibited within the corporate limits of the City except where public water service is not available as described in subsection (A) and (C). Private wells shall be installed as provided for by ordinance and as required by the Rockingham County Health Department.

('89 Code, § 16-102) (Ord. passed 10-15-85; Am. Ord. passed 1-21-03; Am. Ord. passed 11-20-12) Penalty, see § 1-16 *et seq.*

DIVISION 3 PRIVATE FIRE HYDRANTS AND SPRINKLER SYSTEMS

§ 16-61 CONNECTIONS.

All connections and systems for private fire hydrants or sprinkler systems shall be made according to the requirements of this article.

('89 Code, § 16-61) Penalty, see § 1616-72

§ 16-62 SUBMISSION AND APPROVAL OF PLANS.

(A) Plans for the proposed installation of private fire hydrants and sprinkler systems must be approved by the property owner's insurance carrier.

(B) A copy of the approved plans must be submitted to the city for review by the City Engineer and Fire Chief who shall make recommendations to the City Manager for final approval.

(C) Connections for systems outside the city limits must be approved by the City Council or City Manager prior to compliance with subsections (A) and (B).
(89 Code, § 16-62)

§ 16-63 INSTALLATION REQUIREMENTS.

(A) On all new systems referred to in this division and on all such systems being renovated, the owner shall:

(1) Provide and install at his expense a fire line meter where it is anticipated that water for purposes other than fire water will be used. The make, design and size must be approved, before purchase, by the city;

(2) Provide and install at his expense a detector check or fire line detector meter where it is anticipated that only fire water will be used. The make, design and size shall be approved by the city;

(3) A double check valve system shall be installed between the sprinkler system and the city water supply to prevent backflow. The detector check may be considered one check valve.

(B) If, after installation of the system and a detector check or fire line detector meter, it is determined that other than fire water is being used, the property owner shall be required to provide and install at his expense a fire line meter within 60 days of notification by the city according to subsection (A).

(89 Code, § 16-63) Penalty, see § 16-72

DIVISION 4 ENFORCEMENT

§ 16-71 ENFORCEMENT.

It shall be the duty of the Superintendent of the Water Department to enforce all provisions of this chapter, and to make all necessary inspections to determine whether or not the provisions of the chapter are being met.

(Ord. passed 2-16-16)

§ 16-72 PENALTY.

(A) Each violation of any provision of Divisions 1 through 3 of this Article shall constitute a Class 3 misdemeanor, punishable by a fine of not more than \$500, as provided by G.S. §14-4, as amended. Each calendar day during which a violation continues shall constitute a separate and distinct offense.

(B) The provisions of this article may also be enforced through any equitable or other legal remedy authorized by § 1-16 of the City Code or as otherwise permitted by law.

(C) Violations of this chapter may also be punished by a civil penalty in the amount of \$100 for each violation, which penalty shall be enforced as provided by § 1-16.2 of the City Code. This remedy shall be nonexclusive.

(Ord. passed 2-16-16)

AN ORDINANCE AMENDING
THE CITY CODE
OF THE CITY OF EDEN

BE IT ORDAINED BY THE CITY COUNCIL of the City of Eden, North Carolina, that Article II of Chapter 16 of the Eden City Code is amended as follows:

ARTICLE II: WATER USE

Section

Division 1 Generally

[Reserved]

Division 2 Water System

- 16-36 Supervision; appointment of superintendent
- 16-37 Superintendent's authority to enter for plumbing inspection
- 16-38 Authority to temporarily discontinue service
- 16-39 Application for service
- 16-40 Connections; separate water meters; permit for private fire protection; restrictions on cross-connections
- 16-41 Meters required
- 16-42 Installation of corporation cock; maintenance of connections and fixtures
- 16-43 Owner's responsibility for connection; licensed plumber required; inspection
- 16-44 Unauthorized use of water prohibited
- 16-45 Damaging, obstructing water system prohibited

Division 3 Private Fire Hydrants and Sprinkler Systems

- 16-61 Connections
- 16-62 Submission and approval of plans
- 16-63 Installation requirements

Division 4 Enforcement

- 16-71 Enforcement
- 16-72 Penalty

Division 5 Conservation

- 16-81 Definition
- 16-82 Water Shortage Response Plan (WSRP)
- 16-83 Notification of Water Shortage Response Plan Implementation.
- 16-84 Unlawful to Violate Mandatory Restriction.
- 16-85 Measures to be Implemented at Various Stages of Water Conservation.
- 16-86 Enforcement
- 16-87 Discontinuance of Service; Right of Appeal; Other Remedies; Penalty not to Excuse

- Violation
- 16-88 Guideline Triggers to Initiate Conservation Stages in Drought Situations.
 - 16-89 Return to Normal Water Supply Conditions.
 - 16-90 Variance from Water Conservation Stages.

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Eden - Utilities

- 16-91 Review of the Effectiveness of Water Conservation Stages.
- 16-92 Adoption of the Water Shortage Response Plan.
- 16-93 Review and Updating of Water Shortage Response Plan.

Statutory reference:

Pipes below surface of streets and sidewalks, see G.S. § 160A-296

Public utilities, see G.S. Ch. 62

Water resources, see G.S. § 143-211 et seq.

DIVISION 1 GENERALLY

[Reserved]

DIVISION 2 WATER SYSTEM

§ 16-36 SUPERVISION; APPOINTMENT OF SUPERINTENDENT.

(A) The water system of the city shall be under the direct supervision and control of the City Council, which may from time to time make such rules and regulations not inconsistent with this article as it deems necessary.

(B) The City Manager shall appoint a Superintendent who, subject to the supervision and control of the City Council, shall operate the Water Department. The Superintendent shall perform such duties as may be prescribed by ordinance or by direction of the City Council.
(‘89 Code, § 16-36)

§ 16-37 SUPERINTENDENT'S AUTHORITY TO ENTER FOR PLUMBING INSPECTION.

The Superintendent of the Water Department or his authorized assistant may enter the premises of any water customer between the hours of 8:00 a.m. and 6:00 p.m. to examine the pipes and fixtures, the quantity of water used and the manner of its use.
(‘89 Code, § 16-37)

§ 16-38 AUTHORITY TO TEMPORARILY DISCONTINUE SERVICE.

The city reserves the right at any time to shut off water in any main in case of accident or damage or for the purpose of making connections, alterations or repairs.
(‘89 Code, § 16-38)

§ 16-39 APPLICATION FOR SERVICE.

All applications for the use of water must be made at the office of the Water Department on the prescribed form and signed by the owner of the property or his authorized agent. The application when approved shall be a contract to take the supply and shall bind the applicant, so long as the water is taken, to pay to the city the established rates and to comply with all reasonable rules and regulations prescribed by the city.
(‘89 Code, § 16-39)

§ 16-40 CONNECTIONS; SEPARATE WATER METERS; PERMIT FOR PRIVATE FIRE PROTECTION; RESTRICTIONS ON CROSS-CONNECTIONS.

(A) The city will furnish all material and make all connections to the water mains and install all water service pipes from the mains to the inside of the property line. Each separate business, residence, mobile home or other structure shall have a separate water meter.

(B) All plans for private fire protection shall be submitted to and a permit obtained from the Water Department before installation or extensions to existing installations are made. No person will be allowed to make a cross-connection between the Water Department's supply and a private well, spring or other source. There shall be no cross-connection between the city waterlines and air lines used for washing automobiles or for any other purpose. Where water passes through recirculating systems such as cooling towers, etc., there shall be no physical connection between the waterworks system and the pressure lines from the recirculating system.

('89 Code, § 16-40) Penalty, see § 16-72

§ 16-41 METERS REQUIRED.

No person within or without the city limits shall connect with the city water system or with waterlines belonging to any person connected with the city systems unless and until a meter approved by the city for measuring the amount or quantity of water used is installed in conjunction with such connection.

('89 Code, § 16-41) Penalty, see § 16-72

§ 16-42 INSTALLATION OF CORPORATION COCK; MAINTENANCE OF CONNECTIONS AND FIXTURES.

There shall be installed on each water service line at a convenient place a corporation cock for the control of the water service by the property owner or his agent or tenant. The pipe and connections in the street shall be maintained by the Water Department without expense to the consumer or owner of the property. All fixtures within the premises must be kept in repair by the property owner or consumer.

('89 Code, § 16-42) Penalty, see § 16-16-72

§ 16-43 OWNER'S RESPONSIBILITY FOR CONNECTION; LICENSED PLUMBER REQUIRED; INSPECTION.

The property owner shall be responsible for installing waterlines from the property line to connect with the city system. All waterlines, fixtures and plumbing shall be installed by a plumber licensed to

engage in plumbing work in the city by the state, and all material used in such installation shall be approved by the city. Water shall not be turned on at any premises until the installation on private property has been inspected and approved by the city.

('89 Code, § 16-43) Penalty, see § 16-72

§ 16-44 UNAUTHORIZED USE OF WATER PROHIBITED.

It shall be unlawful for any person to fill any lake, pool, pond or other reservoir or use a stream of water larger than two inches for washing or flushing purposes without permission from the Superintendent of the Water Department. It shall be unlawful to supply or sell water, either before or after using it, to other persons or families, nor shall any person take away or carry water from any hydrant, public fountain or other outlet without the consent of the Superintendent of the Water Department. The fire hydrants are for the use of the Fire Department and are not to be used by any other person for any purpose without permission from the Superintendent of the Water Department.

('89 Code, § 16-44) Penalty, see § 16-72

§ 16-45 DAMAGING, OBSTRUCTING WATER SYSTEM PROHIBITED.

It shall be unlawful for any person other than an authorized employee of the city to tamper with, manipulate, damage, remove, obstruct or otherwise harm the water mains, service lines or other apparatus or appurtenances which are a part of the water system of the city.

('89 Code, § 16-45) Penalty, see § 16-72

§ 16-46 CONNECTIONS REQUIRED.

(A) Every person owning a dwelling, building or other structure which is used for human habitation or occupancy within the City situated on a lot or parcel of land which abuts or adjoins a street or other public way along which is located a city waterline, shall connect such dwelling, building or structure to the water system at the owner's expense within 180 days after date of receiving notice to do so; provided, however, that a connection shall not be required to the system unless the lot or parcel of land on which the dwelling, building or other structure is situated is accessible within 200 feet. No person shall be required to cross private property of any other person to make such connection. In addition, a connection shall not be required to the system unless adequate water pressure can be achieved.

(B) When public water mains become available to property and/or adequate pressure becomes achievable, as described in subsection (A), the property owner shall be made aware that connection to the public water system is required and that such connection shall be made within 180 calendar days from the date of such notification. Nonuse of the public water mains shall only be as approved by the City Council on a case-by-case basis when making sewer available to a property would be impractical or cost prohibitive to the City.

With exception to subsection (A) and (B), a property owner, who is currently using a ~~septic tank system~~ a private well in good working condition, in lieu of connection, may elect to pay a periodic availability charge in the amount of the minimum periodic service charge for properties that are connected. The aforesaid exception shall cease being available at such point in time as the Rockingham County Health Department deems that the well system has failed. At such time, the

property owner shall follow the procedure set forth in subsection (A) and (B).

(C) Private well systems are prohibited within the corporate limits of the City except where public water service is not available as described in subsection (A) and (C). Private wells shall be installed as provided for by ordinance and as required by the Rockingham County Health Department.

('89 Code, § 16-102) (Ord. passed 10-15-85; Am. Ord. passed 1-21-03; Am. Ord. passed 11-20-12) Penalty, see § 1-16 *et seq.*

DIVISION 3 PRIVATE FIRE HYDRANTS AND SPRINKLER SYSTEMS

§ 16-61 CONNECTIONS.

All connections and systems for private fire hydrants or sprinkler systems shall be made according to the requirements of this article.

('89 Code, § 16-61) Penalty, see § 1616-72

§ 16-62 SUBMISSION AND APPROVAL OF PLANS.

(A) Plans for the proposed installation of private fire hydrants and sprinkler systems must be approved by the property owner's insurance carrier.

(B) A copy of the approved plans must be submitted to the city for review by the City Engineer and Fire Chief who shall make recommendations to the City Manager for final approval.

(C) Connections for systems outside the city limits must be approved by the City Council or City Manager prior to compliance with subsections (A) and (B). ('89 Code, § 16-62)

§ 16-63 INSTALLATION REQUIREMENTS.

(A) On all new systems referred to in this division and on all such systems being renovated, the owner shall:

(1) Provide and install at his expense a fire line meter where it is anticipated that water for purposes other than fire water will be used. The make, design and size must be approved, before purchase, by the city;

(2) Provide and install at his expense a detector check or fire line detector meter where it is anticipated that only fire water will be used. The make, design and size shall be approved by the city;

(3) A double check valve system shall be installed between the sprinkler system and the city water supply to prevent backflow. The detector check may be considered one check valve.

(B) If, after installation of the system and a detector check or fire line detector meter, it is determined that other than fire water is being used, the property owner shall be required to provide and install at his expense a fire line meter within 60 days of notification by the city according to subsection (A).

('89 Code, § 16-63) Penalty, see § 16-72

DIVISION 4 ENFORCEMENT

§ 16-71 ENFORCEMENT.

It shall be the duty of the Superintendent of the Water Department to enforce all provisions of this chapter, and to make all necessary inspections to determine whether or not the provisions of the chapter are being met.

(Ord. passed 2-16-16)

§ 16-72 PENALTY.

(A) Each violation of any provision of Divisions 1 through 3 of this Article shall constitute a Class 3 misdemeanor, punishable by a fine of not more than \$500, as provided by G.S. §14-4, as amended. Each calendar day during which a violation continues shall constitute a separate and distinct offense.

(B) The provisions of this article may also be enforced through any equitable or other legal remedy authorized by § 1-16 of the City Code or as otherwise permitted by law.

(C) Violations of this chapter may also be punished by a civil penalty in the amount of \$100 for each violation, which penalty shall be enforced as provided by § 1-16.2 of the City Code. This remedy shall be nonexclusive.

(Ord. passed 2-16-16)

DIVISION 5 CONSERVATION

§ 16-81 DEFINITION.

The following term when used in this division, shall have the meaning ascribed to it in this section, except where the context clearly indicates a different meaning:

WATER SHORTAGE shall be deemed to exist when the ordinary demands and requirements of water consumers served by the city cannot be satisfied without depleting the water supply to or below a critical level, the level at which the continued availability of water for human consumption, sanitation, and fire protection is jeopardized. Situations also occur that can interrupt the availability of water supply or its distribution to our customers. This Water Shortage Response Plan has been developed to allow the City of Eden to adapt to these situations and continue to supply water to our customer. These situations can be caused by drought, storms, water line breaks, power failures, or harmful acts of human beings. This plan will set forth protocol for how the City of Eden Water System will respond to these situations.

('89 Code, § 16-81) (Ord. passed 8-19-86; Am Ord. passed 5-18-10)

§ 16-82 WATER SHORTAGE RESPONSE PLAN (WSRP).

Implementation of the WSRP

(A) To avoid further depletion of the city's water supply during a water shortage, The City Manager will authorize the implementation of what level of response is needed based on the criteria set forth in this plan. The current situation will be communicated to the Mayor and City Council.

(B) Whenever the City Manager finds a water shortage exists, he shall proclaim one or more water conservation stages. The City Manager's proclamation shall be based upon a recommendation from the Water Plant Superintendent, the Distribution System Superintendent, or the Environmental Services Director to the City Manager of what response is required to continue meeting the human consumption, sanitation and fire protection needs of our customers. Recommendations of the Water Plant Superintendent or the Distribution System Superintendent shall be based on a review of factors such as current water supply, stream flow, drought conditions, presettling impoundment reservoir level, seasonal effect on water supply, condition of the distribution system, pumping capacity, and average current consumption rates.

(C) In the absence of the City Manager, the Director of Environmental Services Director will be authorized to implement the required response within the plan.
(‘89 Code, § 16-82) (Ord. passed 8-19-86; Am. Ord. passed 11-19-02; Am. Ord. passed 5-18-10)

Sections § 16-82 through 16-92 of this ordinance will constitute the City’s Water Shortage Response Plan as required under North Carolina Administrative Code 15A NCAC 02E0.607 and General Statute 143-355(l)

§ 16-83 NOTIFICATION OF WATER SHORTAGE RESPONSE PLAN IMPLEMENTATION.

When the WSRP is activated water users and City employees will be notified by the following means, as time will allow:

- 1) Post information to the City’s Website
- 2) Code Red – rapid dialing telephone alerts to affected zones
- 3) Department Heads and supervisor will brief their employees
- 4) Press release for the Local Newspaper if time appropriate for publishing
- 5) Public Service Announcements (PSAs) for TV and/or radio as appropriate
- 6) Messages printed on the water bills

(Ord. passed 5-18-10)

§ 16-84 UNLAWFUL TO VIOLATE MANDATORY RESTRICTION.

If the City Manager declares one or more stages of water conservation, it shall be unlawful for any person to use or permit the use of water supplied by the city in violation of any mandatory restriction instituted pursuant to that declaration.

(‘89 Code, § 16-83) (Ord. passed 8-19-86; Am. Ord. passed 11-19-02; Am. Ord. passed 5-18-10)

§ 16-85 MEASURES TO BE IMPLEMENTED AT VARIOUS STAGES OF WATER CONSERVATION

Water Conservation will be encouraged at all times. The following water use habits are to be recommended in an ongoing public information campaign to reduce wasting of water:

- 1) Check for leaks in toilets at least once a year by putting a few drops of food coloring in the storage tank. If the color comes through to the toilet bowl without flushing, the toilet needs adjustment or repair.
- 2) Repair leaking faucets whenever they develop.
- 3) Store water for drinking in the refrigerator to avoid trying to run it cool at the tap. The storage also eliminates chlorine taste that some customers find objectionable in drinking water.
- 4) Use shower for bathing or reduce the depth of water used for tub bath. Limit the length of each shower.
- 5) Do not leave faucets running while shaving or rinsing dishes.
- 6) Install water flow restrictive devices in showerheads.
- 7) Install water-saving devices such as plastic bottles or commercial units in toilet tanks, unless you already have a new water-saving type unit.
- 8) Always wash full loads in clothes washers and dishwashers.
- 9) Do not use the toilet for a trash basket; make every flush count.
- 10) Commercial and industrial customers should review their water uses and where feasible install recycle systems. The savings on water and sewer bills will often pay for the installation in a reasonable period.

The following water conservation stages, associated recommendations, and mandatory measures may be instituted by the City Manager when a Water Shortage exists:

Stage 1 Water Supply Alert Conservation. Continue all recommendations of Continuous Water Conservation and increase the level of conservation effort by publicizing the following measures:

- 1) Limit use of clothes washers and dishwashers and when used, operate fully loaded.
- 2) Limit flushing of toilets by multiple usages.
- 3) Limit lawn watering and only then, when grass shows signs of withering. Apply water as slowly as possible to achieve deep penetration.
- 4) Water shrubbery the minimum required, reusing household water when possible.
- 5) Limit car washing to the minimum.
- 6) Limit wash-down of outside impervious areas such as sidewalks, patios, etc.
- 7) Limit hours of operation of water-cooled air conditioners if possible.
- 8) Limit non-essential water use for commercial and industrial activities
- 9) Encourage a goal of 10% reduction in water use by all customers
- 10) Begin 5% Water Conservation Surcharge on Customer Water Rate

Stage 2 Water Supply Warning Conservation. Continue all recommendations of Stages I and increase the levels of conservation effort by enforcing the following measures:

- 1) No watering of lawns, shrubbery, flowers or vegetable gardens except after 6:00 p.m. on Saturday and Sunday. Golf courses to water only on even numbered calendar days.
- 2) No water to be introduced into swimming pools except to the extent necessary to maintain operation.
- 3) No washing down of outside areas such as sidewalks, patios or driveways, or other similar purposes.
- 4) Do not introduce water into any decorative fountain, pool or pond.
- 5) No serving of water in a public restaurant except upon request.
- 6) Do not use water for any unnecessary purpose or intentionally waste water.
- 7) Use disposable and biodegradable dishes.
- 8) Commercial and Industrial will reduce water use by 10%.
- 9) Encourage a goal of 30% reduction in water use by all customers
- 10) Begin 15% Water Conservation Surcharge on Customer Water Rate

Stage 3 Mandatory Conservation. Continue all less severe water conservation stages and increase the level of conservation effort by enforcing the following measures:

- 1) No lawn sprinkling.
- 2) No watering of any vegetable garden or ornamental shrubs except during the hours of 4:00 p.m. and 8:00 p.m. on Saturday.
- 3) No filling of any swimming pool; no replenishment of any filled pools except to the minimum essential for operation of chemical feed equipment.
- 4) No nonessential use of water for commercial or public use. The use of single-service plates and utensils is encouraged and recommended in restaurants.
- 5) Do not operate water-cooled air conditioners or other equipment that does not recycle cooling water, except when health and safety are adversely affected.
- 6) Discontinue washing exterior of motor vehicles except where 50% or more of the water is recycled, or where a private well water system is used.
- 7) Commercial and Industrial will reduce water use by 30%.
- 8) Encourage a goal of 50% reduction in water use by all customers
- 9) Begin 25% Water Conservation Surcharge on Customer Water Rate

Stage 4 Emergency Conservation (Rationing). Continue all less severe water conservation stages and increase the level of conservation effort by strictly enforcing the following measures:

- 1) It will be unlawful to fail to act in accordance with this section or use water contrary to this section or attempt to evade or avoid such water rationing restrictions.
- 2) Fire protection will be maintained, but where possible, tank trucks shall use raw water.
- 3) Close all swimming pools.

- 4) No washing of any motor vehicles, including commercial washing.
- 5) All industrial uses of water are prohibited.
- 6) All other uses of water will be limited to those necessary to meet minimum health and safety needs of the customers.

('89 Code, § 16-84) (Ord. passed 8-19-86; Am. Ord. passed 11-19-02; Am. Ord. 5-18-10) Penalty, see § 16-86

§ 16-86 ENFORCEMENT.

It shall be the duty of the Environmental Services Director to investigate violations of the mandatory restrictions and issue orders consistent with the purpose and intent of this division. All customers shall cease any violation of the mandatory restrictions upon the order of the Environmental Services Director. Any customer who violates any provision of this division, or who shall violate or fail to comply with any order made pursuant to this division shall be subject to penalty or a combination of the penalties set forth in § 16-87. The Water Department Personnel, Fire Department Personnel, or Police Officers will be responsible for enforcement of this ordinance as they go about their daily duties about the City.

('89 Code, § 16-85) (Ord. passed 8-19-86; Am. Ord. passed 5-18-10)

§ 16-87 DISCONTINUANCE OF SERVICE; RIGHT OF APPEAL; OTHER REMEDIES; PENALTY NOT TO EXCUSE VIOLATION.

(A) When customers are found to be in violation of the MANDATORY RESTRICTIONS, the City's personnel listed above (§ 16-85) will issue citations and penalties will be assessed as follows:

1 st Violation	Warning
2 nd Violation	\$100 Fine
3 rd Violation	\$250 Fine
4 th Violation	\$250 Fine and discontinuation of service

(B) The city may discontinue water service to any structure or parcel when the Environmental Services Director gives written notice of any violation of mandatory restrictions and intent to discontinue service. Water service shall be discontinued within 24 hours unless the violator shall cease voluntarily. When service is discontinued pursuant to the provisions of this section, service shall not be reinstated unless and until the Environmental Services Director determines that, the risk to the city water supply has been alleviated.

(C) The customers shall have a right of appeal to the City Manager, upon serving written notice of appeal on the City Manager within five days after receiving notice of any violation and intent to discontinue service. The appellant will be notified by the City Manager of the time and place for the hearing of the appeal. The City Manager shall act on the appeal as expeditiously as possible and shall notify the appellant in writing no later than two days after the final decision.

(D) The provisions of this article may be enforced by an appropriate remedy, including a mandatory or prohibitory injunction, issuing from a court of competent jurisdiction.

(E) The imposition of one or more penalties for any violation shall not excuse any violation or permit it to continue.

('89 Code, § 16-86) (Ord. passed 8-19-86; Am. Ord. passed 5-18-10)

§ 16-88 GUIDELINE TRIGGERS TO INITIATE CONSERVATION STAGES IN DROUGHT SITUATIONS

System Supply Type	Water Supply Alert Conservation Level 1 US Drought Monitor indicates abnormally dry in our area	Water Supply Warning Conservation Level 2 US Drought Monitor indicates severe drought in our area	Mandatory Conservation Level 3 Us Drought Monitor indicates extreme drought in our area	Emergency Conservation Level 4 Us Drought Monitor indicates exceptional drought in our area
<p>Run-of-River (Measure stream flow daily and inventory watershed for upstream water users during a water shortage situation.)</p>	<ul style="list-style-type: none"> • Steam Flow less than 180 cubic feet per second • Water demand does not exceed gravity flow at the intake • Gravity flow into the intake screens is adequate to meet pumping demand • 6 Days of normal demand remaining in Presettling Impoundment • Average daily use > 11 MGD for 5 consecutive days • Withdrawing 10% of flow past the intake • Presettling Impoundment is 5 feet down from full pond. 61 MGD supply remaining* 	<ul style="list-style-type: none"> • Steam Flow less than 100 cubic feet per second • Water demand exceeds gravity flow at the intake. • Supplemental pumps are put into operation with some gravity flow in intake • 6 Days of normal supply remaining in Presettling Impoundment • Average daily use > 10 MGD for 5 consecutive days • Withdrawing 17 % of flow past the intake • Presettling Impoundment is 9 feet down from full pond. 48 MGD supply remaining * 	<ul style="list-style-type: none"> • Steam Flow less than 75 cubic feet per second • Water demand exceeds gravity flow at the intake. Intake screens more than 12 inches out of water • Supplemental pumps are in operation with limited gravity flow in intake • < 6 Days of normal supply remaining in Presettling Impoundment • Average daily use > 7 MGD for 5 consecutive days • Withdrawing 20 % of flow past the intake • Presettling Impoundment is 13 feet down from full pond. 36 MGD supply remaining * 	<ul style="list-style-type: none"> • Steam Flow less than 40 cubic feet per second • Water demand exceeds gravity flow at the intake. Intake more than 24 inches out of water. • Only supplemental pumping will get water into wetwells • < 6 Days of normal supply remaining in Presettling Impoundment • Average daily use > 2 MGD for 5 consecutive days • Withdrawing 5 % of flow past the intake • Presettling Impoundment is 17 feet down from full pond. 25 MGD supply remaining *

* Presettling Impoundment volumes based on September 2003 Dewberry Davis Study

Triggers in the table above are to be used as guidelines and actual conditions may dictate some variations from the guidelines listed above. Any one or more of the trigger guidelines may be sufficient to implement conservation stages if immediate situation threatens public health, public safety, or has potentially severe economical impacts.

Triggers for conditions such as operational difficulties at the water plant, contamination, water line breaks, and power failures may lead to Emergency Level 3 by the instant severity of the situation creating nearly instantaneous water shortage.

(Ord. passed 5-18-10)

§ 16-89 RETURN TO NORMAL WATER SUPPLY CONDITIONS

When the Water Shortage conditions have abated and the water supply situation is returning to normal, water conservation measures employed during the Water Supply Alert Conservation, Water Supply Warning Conservation, Mandatory Conservation and Emergency Conservation can be decreased in the reverse order of implementation. Permanent measures directed toward long-term monitoring and conservation should be implemented or continued.

(Ord. passed 5-18-10)

§ 16-90 VARIANCE FROM WATER CONSERVATION STAGES

Applications to apply for a variance from Various Water Conservation Stages are available from the Environmental Services Director Office. Completed application will be submitted to the Environmental Services Director's office. Applications will be reviewed and decisions will be made by a committee composed of the City Manager, the Environmental Services Director, and the Water Plant Superintendent. Decisions will be final and will be granted on the following criteria:

- 1) Impact on the City's Water demand
- 2) Essential use of drinking water
- 3) How long would a variance be needed
- 4) Does an alternative water source exist
- 5) Social and economical importance
- 6) Prevention of structural damage

(Ord. passed 5-18-10)

§ 16-91 REVIEW OF THE EFFECTIVENESS OF WATER CONSERVATION STAGES

The effectiveness of conservation stages will be evaluated in a timetable appropriate to the reason for invoking the conservation stages. For example a large water main break would be evaluated hours as to how fast elevated storage is being depleted. In a drought situation, the water source availability would be evaluated daily versus the service water demand, to see if the conservation stages are keeping the service water demand less than source availability.

(Ord. passed 5-18-10)

§ 16-92 ADOPTION OF THE WATER SHORTAGE RESPONSE PLAN

When this draft copy Water Shortage Response Plan is approved by the State Division of Water Resources, it will be submitted to City Attorney for review. Once the City Attorney has completed a review and approved the WSRP, it will be submitted City Council for consideration at the next regular meeting and scheduling of a public hearing at the following month’s regular council meeting. A copy of this Water Shortage Response Plan and future revisions will be posted on the City’s Website for public inspection when it is submitted to the City Council for consideration and approval.

(Ord. passed 5-18-10)

§ 16-93 REVIEW AND UPDATING OF WATER SHORTAGE RESPONSE PLAN

The Water Shortage Response Plan will be reviewed annually or more often as necessary when conditions change requiring modification to the plan. Updates and changes will follow the procedure set forth in § 16-91 of this WSRP.

(Ord. passed 5-18-10)

2010 S-16

APPROVED, ADOPTED AND EFFECTIVE this _____ day of _____, 2023.

Neville Hall, Mayor

Attest:

Deanna Hunt
City Clerk, CMC



City Manager's Report
September 2023
 City Manager Jon Mendenhall

ADMINISTRATION

Marketing & Communications Office

The City of Eden would like to thank the following sponsors for helping us celebrate 20 years of Riverfest!!!

Nestle Purina	Gildan
Fair Funeral Home	Weil-McLain
HomeTrust Bank	Eden Drug
Tri-City	Destination Magazine
Draper Merchants Association	NightOwl National Stoneworks
Leaksville Municipal Service District	YMCA
Piedmont Surface of the Triad, LLC	Capital Vacations
UNC Health Rockingham	

PARKS & RECREATION DEPARTMENT

Recreation Division

Bridge Street Recreation Center: Bridge Street Recreation Center has been busy with daily walkers and fitness classes. It has been rented out for parties and special occasions during the month of August. Now that Summer Camp is over; we have transferred over to an after-school program which has close to 30 -35 kids participating.

Mill Avenue Recreation: Pickleball games are played Monday, Wednesday and Friday. We are having open gym during the week for citizens that work so they can come play basketball. Volleyball is being played Tuesdays and Thursdays.

Mill Avenue Pool and Freedom Park Splash Pad: The Mill Avenue Pool is busy with 125 swimmers on a good day and the Freedom Park Splash Pad is the same way with lots of activities. The Pool and Splash Pad has had several celebrations as well. Mill Ave had more visits since we are having an open gym. The pool and Splash pad will be closing for the year Labor Day weekend.

Freedom Park: Weekend tournaments for adult or girls fast pitch are still and moving along. Cheer and Football are in full swing at Freedom Park.

Senior Center: We have had lots visits during the month of August. Our seniors are taking advantage of senior center programs. Seniors will start getting outside a little more once the temps drop allowing for more walking. They are planning a winter trip this year trip to Charleston.

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

Inspections & Permits August 1-August 31,2023

Total Inspections Performed	236 (Does not include fire inspections)
Total Permits Issued	116

There were **236** inspections conducted in the month of August. Permits for two new single-family residences were issued this month which brings the total number of new homes now under construction to **11**. The **Carolina QuikCare** (urgent care) project is now underway. Preliminary plans for a renovation at the **Sheetz** store have been submitted for an initial review. This would include removing a set of fuel pumps and enlarging the store to include a drive-thru. Meetings with **Nestle Purina** are taking place in anticipation of some upcoming changes in construction.

Boards & Commissions

The Community Appearance Commission met for the month of August but did not have enough members present to establish a quorum.

The Historic Preservation Commission met for the month of August and discussed future projects.

The Tree Board met for the month of August and discussed future projects. The Tree Board also reviewed a tree removal application to remove City of Eden owned trees located near the property at 917 South Van Buren Road. The Tree Board denied the request but suggested pruning the trees as an option to satisfy the applicant.

The Planning Board planned to meet for the month of August, but due to some unforeseen circumstances, the meeting was canceled and will meet for the month of September.

Gus Shinn Mural Project

Staff coordinated with City Staff, the artists, and other entities involved with the Mural Project to set September 7 at 11 a.m. as the date for the Ribbon Cutting/Celebration.

Ferry Road Sign Project

Staff reached out to Mrs. Kristi Brantley of the N.C. State Historic Preservation office about any research/information pertaining to the Ferry Road Sign Project in hopes of the project being accredited by the state. Staff is weighing the options, and will collaborate with the Streets Division of Public Works for the City of Eden to commission the sign, if necessary.

Training & Courses

Staff continued the Real Estate Law self-paced course provided by Ed2Go. Staff also received an acceptance letter for the Planning & Development Regulation course provided by the UNC School of Government and will start the course on September 11.

POLICE DEPARTMENT

The testing of GLOCK pistols has been completed. We have placed an order for 48ea GLOCK Model 45 for uniformed officers and 17ea GLOCK Model 19 for plain clothed officers. We should receive these pistols within 90 days of the order date, which would allow us to transition these firearms during our November qualification.

We have ordered and received six 2023 Dodge Durango's. These vehicles are staged at the City shop awaiting upfit.

ALPR (AXON) has been turned on and is currently in operation. We had a successful felony apprehension on the first day we implemented our “Hot List”.

We anticipate the AXON Interview Room upgrade to be complete in October.

We are scheduled to swear in Officer Jerry Hacker on September 6 at 11:15 a.m.

We currently have three full-time trainees (Timothy Knight, Blake Pulliam, and Emmanuelle Wilts) in the RCC BLET Program which began July 31.

FIRE DEPARTMENT

We have one part-time firefighter Kirkland Owen, who is currently going through the firefighter academy at RCC.

During September, the department will be conducting a multi-company drill with the whole county at Freedom Park on a water shuttle evolution using multiple aerials, engines, tankers, hydrants, and drop tanks. This will serve as part of the ISO training that is required and show ISO that the City can function if something happens to the water source of hydrants goes down in each area of the City.

PUBLIC WORKS DEPARTMENT

Streets

We are moving right along on the sidewalk and curb and gutter replacement on Monroe Street. We have been doing several street patch repairs on our City streets as well. We have covered several miles of right of way mowing and several acres of City owned property. We have been working on getting the fuel site ready for the new fuel tanks to be installed. We also have been preparing for RiverFest.

Construction

The crew prepared the tank and building pads for the new fuel system at the Public Works facility on Klyce Street which included forming, digging footings and setting bolster posts with assistance from the Street Division. The crew set the utility building on its pad and secured the building to the concrete. This crew also completed the drainage work on Maryland Avenue. The Construction Crew is currently focused on repairing miscellaneous drainage issues.

Collections & Distribution

Work is progressing in this unit; routine items include repairs/replacements/clearing blockages as needed and maintaining outfalls. Inventory availability has improved, hydrants and meters are on-hand, a developer is working with the City to forecast out need in such a way so that items can be carefully pre-ordered so that they arrive in a timely manner so as not to unnecessarily pause or delay construction.

Solid Waste

The grinding of the vegetative wood debris is still in progress, it should be completed by the end of next week. Solid Waste has continued taking care of their daily routes to keep our streets clean and clear of debris.

Fleet

All of our budget approved rolling stock has been ordered. Our new fueling station and vehicle maintenance software is moving forward.

Utilities

The wastewater plant is having one of the large clarifiers repainted. When the contractors have finished, they should be able to begin work at the water plant on one of the sludge scrapers. Our crews have moved the aerators from the north basin to the south basin and are beginning to move the water over in preparation for cleaning the basin out. This is the first part of the North Basin Renovation. The Annual Sewer Report has been submitted to the State. A copy is on the website for review.

CITY OF EDEN, N.C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, August 15, 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 Jerry Epps, First Church of the Living God, gave an invocation followed by the Pledge of Allegiance led by Avery and Grace Tucker, rising fifth graders at Central Elementary School.

RECOGNITIONS:

- a. Eden Drug – 2023 Health Mart Pharmacy of the Year.

Mayor Hall called on Eden Drug owner Pete Crouch and his staff and family to come forward. He noted the group had been at a meeting in June of 2022 as they celebrated 40 years of business. With a business operating that many years, you knew it was a good, solid one with good people who ran it. He noted that Mr. Crouch and his team were problem solvers and people pleasers as Mr. Crouch liked to say. If they saw a need, they did what they could to help fill that need. If they had an idea to help the Eden community or improve the business, they did not shy away from taking risks to turn the idea into a reality. Those principles were what had made the longtime Eden business highly successful and the City was so proud to recognize Eden Drug after more than 1,000 community pharmacists around the country voted them the 2023 Health Mart Pharmacy of the Year. He congratulated Mr. Crouch and his staff.

A Health Mart Pharmacy promotional video was shown, followed by an Eden Drug promotional video.

Mayor Hall congratulated Mr. Crouch and his staff on behalf of the City for their recent success as the 2023 Health Mart Pharmacy of the Year.

Mr. Crouch said he did not do it by himself, it was a team. He could not do what he did without the support of his amazing staff. They made him look good every day, or at least most days. It was an honor and pleasure for them to serve the community and they were going to keep doing it.

SET MEETING AGENDA:

A motion was made by Council Member Moore 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 no public hearings at this time.

REQUESTS AND PETITIONS OF CITIZENS:

No one signed up to speak at this time.

UNFINISHED BUSINESS:

a. Consideration to award a bid to Gallaher Management Group to restore the roof at Eden City Hall.

Parks & Recreation Director Ray Thomas wrote in a memo: I have recently evaluated the City Hall roof I have found that we have 2 options. First option is total replacement of cost of \$401,615.00. Second option is roof restoration at a cost of \$310,000. The department requesting the roof restoration which is the second option.

Copies of the bids supplied for the agenda packet were:

- *Gallaher Management Group, \$310,000 restoration; \$495,000 replacement*
- *Applied Roofing Solutions, \$399,875 restoration; \$401,615 replacement*
- *BIRS, Inc., \$367,684 restoration; \$430,200 replacement*
- *McRae Roofing, Inc., \$358,900 restoration; \$441,200 replacement*

Tremco CPG.
3735 Green Road • Beachwood, Ohio 44122 • 216-292-5000



Roofing and Building Maintenance Division * Dennis McMenamin * dmcmenamin@tremcoinc.com 828.406.9384

June 6th, 2023

City of Eden (City Hall)
308 E Stadium Dr. Eden, NC

Addendum #1

- Safety on this project is job one.
- Bids are due Friday June 16th by end of business day.
- Email Bids to Ray Thomas - rthomas@edennc.us
- IR scan to be included in both re-roof and restoration cost.
- Install new walkway at roof hatch, include in re-roof cost. Install new granulated surface at roof hatch, include in restoration cost.
- New sleepers required, included in both cost.
- Install tapered insulation as required to achieve 1/4" per ft between primary drains, include in re-roof cost.
- Flashing from roof to parapet to be addressed as discussed.
- Paint all drain strainers.
- 500 sq ft of wet/damaged insulation remove and replace to be included in both cost.
- Construction and takeoff is contractors responsibility.
- M-Prime to be installed anywhere fluid applied touches metal.
- Protection mats to be included under sleepers and units, include in both cost.
- Fluid applied to be installed over concrete radius walls. (C prime, base coat & fabric, top coat).
- Counter flashing or fluid applied to be installed over any exposed termination bar.
- New slip flashing to be installed where required.

Mayor Hall called on Mr. Thomas.

Mr. Thomas said a representative from Tremco was present to provide more information about the restoration. He recommended the restoration process for many reasons. He had spoken with several municipalities, including Davie County that day. Davie County opted for the restoration process instead of a complete tear off because it eliminated a lot of dust and noise where people were working and because weather would not cause issues because the weather did not adhere to the components. Rain showers could cause flooded rooms or worse during a tear off job. One of the main reasons Mr. Thomas recommended the restoration was because City Hall had a return air system that would cause the building to get really dirty during a tear off. There would be noise disturbances as well to anyone working in the building. He introduced Dennis McMenamin of Tremco.

Mr. McMenamain asked if Council had any particular questions.

Council Member Kirkman said he did not know anything about the system.

Mr. McMenamain said it was a bio-based product. It was a two-in-one component so there was a base coat that went down at 48 mils with a reinforced fabric in the system with 32 mils of topcoat added, making 80 mils of monolithic water proofing that went over the existing system after making the remedial repairs; whereas, with a traditional roof, 60 mils would be torn off and opening up operations to the elements. He noted just that day there had been a pop-up shower. Instead of tearing off 60 mils that had failed once and going back with it, the restoration would be putting 80 mils of waterproofing over 60 mils for a total of 140 mils. There were no smells or VOCs. It was completely monolithic so it encapsulated all laps and details. With single ply membranes which was what was currently on the building, their puncture resistance was very minimal and then they failed at laps and details. Again, the restoration encapsulated all laps and details with no smells or odors. It was very cost effective as well.

Council Member Underwood asked how much weight was involved.

Mr. McMenamain said there was minimal weight involved. It was rolled on, much like you would pitch a rolling paint on. It was rolled onto the roof just like paint was rolled on. It was a polyurethane material. He did not want it to be mistaken with silicones and acrylics. Mr. Thomas had alluded to Davie County. They had a historic courthouse with 13 roof levels just off Main Street. His company had bid the project to give them restoration and reroof numbers. They would have had to shut down operations because the property was just off Main Street due to lifts and dumpsters in and out of the job site constantly. The restoration eliminated all that. The weight was very minimal. The engineers and architects on staff ran the statistics daily.

Council Member Moore asked how many layers City Hall had on it.

Mr. McMenamain said it had two roof systems – a gravel built up, which consisted of a metal deck, insulation, and the gravel build up, and then insulation and another EPDM roof. By code, there could only be two roof systems on the building. In order to reroof, they would have to tear down to the deck and build back to code. Again, that would open it to exposure. When the fasteners were removed from the roof, there would be holes in the metal decking so dust, debris, metal shards, everything. It would open up and there would be holes in the roof system. They would mechanically fasten again through that system. A traditional reroof was about a 10 to 12 crew. The fully reinforced fluid-applied systems were about four to five guys on the roof at a time.

Council Member Moore asked if structurally, the roof could hold that weight.

Mr. McMenamain said it could.

Council Member Moore asked how long the guarantee was for the roof.

Mr. McMenamain said there was a 20-year, no dollar limit warranty for either roof, a reroof or a restoration. After 20 years, the roof could be cleaned, primed and top-coated for another fraction of the cost. The system was not fly by night, almost all of the hospitals around the area had it. Both the OR and ER at Annie Penn had the systems, as well as Alamance Regional Hospital's entire roof. His company was assisting Piedmont Triad Regional Airport as they planned to use the system on their main terminal. There were a lot of large entities around using it.

Council Member Ellis asked Mr. McMenamain if he was able to get bids for the gyms for the high schools.

Mr. McMenamain said he had worked with E.C. Stophel at both the schools and the community college. They had assisted in putting roofs on the admin building at the high school as they were doing some in-house restoration with the product at Rockingham County Schools before Mr. Stophel left and went to the community college.

Council Member Underwood asked about the price difference between the two.

Mr. McMenamain said restoration was a fraction of the cost. Typically, they were coming in at about 40 to 50 percent of the cost of a traditional reroof. In Eden's situation having to tear down and build back to code, they would be closer to the 50 percent cost savings.

Council Member Underwood asked what the difference was between the two.

Mr. McMenamain said in the competitive bids, it was over \$100,000 more for a traditional reroof to give the same warranty.

Council Member Underwood asked how many bids were received.

Mr. Thomas answered five.

Council Member Moore asked if the roof would have to be torn off after the 20-year warranty.

Mr. McMenamain said no, as it was polyurethane and not silicone, it could be cleaned, primed and top-coated again. That had just been done at Alamance Regional Hospital.

Council Member Ellis asked about the time to do the work.

Mr. McMenamain said it was about a month to a month and a half to complete the project from start to finish, which was dumpsters and materials arriving to everything being off site. A traditional reroof would take about three and a half to four months.

Council Member Ellis asked if the time included drive time.

Mr. McMenamain said he was the local consultant for Tremco, which oversaw the largest roofing servicing company in the nation. His service would be to oversee the project. Mr. Thomas and his team would be receiving photo logs during pop-up inspections. For the final warranty, he would walk the roof with the contractor, inspectors and staff.

Council Member Ellis asked if there would be 25 to 30 working days and if the work was done on weekdays.

Mr. McMenamain said it would be the City's discretion as to when they worked but typically it was 10 to 12 hour days Monday through Friday.

Council Member Moore asked how soon the work could start.

Mr. McMenamain said material was readily available, which was an issue with roofing currently. There was a delay on both fasteners and insulation. Fluid-applied material was readily available with about one to two weeks before arrival. There was due diligence as well which included a moisture scan provided on the front end which detected any moisture in insulation, which should never be encapsulated.

Council Member Ellis asked if there would be additional costs if issues were discovered during the work.

Mr. McMenamain said there were no change orders. The City was given unit costs on the front end for anything from drain replacement to additional wet damage removal. Contractors were asked to provide any costs they could for the unknowns so it would be known on the front end what any kind of change order would look like. He had seen one change order in the six years he had been in the job. The man who had the job before him had not seen any in 22 years. He would not expect a change order for City Hall. With the moisture analysis, the IR scan, any wetness in insulation would be found and removed.

Council Member Ellis asked what the IR scan was.

Mr. McMenamain said it was a moisture scan with a mid-wave camera just like when HVAC technicians came out with a mid-wave camera. It was a \$90,000 device. The roof would be shot and the camera would detect any wet insulation which held water. That was included as a turnkey project.

Council Member Ellis asked if that was how the 500 square feet of insulation was found that needed to be replaced.

Mr. McMenamain said it was.

Council Member Kirkman asked what maintenance was required for the warranty to stay valid.

Mr. McMenamain said Tremco offered at years two, five, 10 and 15 someone to come out and make any remedial repairs, and specifically for City Hall clean leaves, dirt and debris from the roof. The City would receive before and after photos of the work.

Council Member Kirkman asked what the average cost was.

Mr. McMenamain said it was included in the warranty.

Council Member Kirkman said so it automatically happened years two, five, 10 and 15.

Mr. McMenamain answered that it did.

Council Member Underwood asked if that was for either roof.

Mr. McMenamain said yes, it was for either system.

Council Member Ellis asked which roof Mr. McMenamain would choose.

Mr. McMenamain said the most cost-effective solution was the fluid-applied. He had seen the systems redundant. Someone could take a five in one or seven in one and beat the systems. They would not puncture. Everyday he walked four or five single-ply roof systems and saw them fail at year 12 to 15.

Council Member Underwood asked Mr. Mendenhall asked what his preference was.

Mr. Mendenhall said he stood behind the department's recommendation for the fluid-applied roof.

A motion was made by Council Member Epps to award the contract to Gallaher Management Group for \$310,000 to provide a roof restoration at Eden City Hall. Council Member Ellis seconded the motion. Council Members Epps, Moore, Light, Ellis, Nooe and Underwood voted in favor of the motion. Council Member Kirkman voted against the motion. The motion carried 6-1.

NEW BUSINESS:

- a. Consideration to adopt an ordinance for the demolition of a residential structure at 820 Lake Drive under Article 9, Building Maintenance Standards of the City of Eden Unified Development Ordinance.

Planning & Community Development Director Kelly Stultz wrote in a memo: Attached you will find a section of the Human Habitation Standards in Article 9 of the Unified Development Ordinance relating to the steps to be taken when an owner fails to comply with an order to repair or demolish. Also attached is a copy of the Complaint and Notice of Hearing which sets out the violations found at the initial inspection and a copy of the Findings of Fact and Order. The City of Eden Human Habitation Standards and the enabling legislation permit the City Council, upon adoption of an Ordinance, to order the repair or demolition of the structure. Three (3) bids were submitted to this department as follows: The Menher Group, LLC \$19,500.00; Sam W. Smith, Inc. \$24,500.00; Big Dawg Construction LLC \$30,000.00. Staff recommends that The Menher Group, LLC be awarded the bid for the demolition of the house with the lowest bid being in the amount of \$19,500.00. Once the demolition is done at the City's expense, actions can be taken to recoup the funds in the same manner as the collection of special assessments. Special assessments are a lien only on the property in question. That means the best remedy available to us is foreclosure. There is no guarantee that these funds can be recovered.

Mayor Hall called on Ms. Stultz.

Ms. Stultz said the structure had burned. She presented photos taken in February just after the fire.

Mayor Hall noted it looked the same as he had gone by earlier in the day.

Ms. Stultz agreed. Staff recommended that The Menher Group, LLC, be awarded the bid to demolish the structure. Mayor Hall noted the corrected memo had been placed at each seat.

Council Member Underwood asked where The Menher Group was located.

Ms. Stultz advised 605 Washington Street.

Council Member Underwood said it was staying local.

Mayor Hall noted it was \$5,000 less as well.

A motion was made by Council Member Underwood to adopt an ordinance for the demolition of a residential structure at 820 Lake Drive under Article 9, Building Maintenance Standards of the City of Eden Unified Development Ordinance and to award the contract for demolition to The Menher Group, LLC, for \$19,500. Council Member Kirkman seconded the motion. All members voted in favor of the motion. The motion carried 7-0.

AN ORDINANCE AND ORDER FOR THE DEMOLITION OF PROPERTY AT 820 LAKE DRIVE, EDEN, NORTH CAROLINA

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

WHEREAS, on the 9th day of February, 2023, the Director of the Planning and Community Development Department caused an examination of the dwelling owned by Bruce W. Tart and wife, Angela Tart, at 820 Lake Drive, Eden, North Carolina and found it to be unfit for human habitation, that said property is more particularly described as follows:

BEGINNING at an iron in the South edge of a County Road (now called Lake Road) being the S. W. corner of the intersection of the said County Road by Ayden St. (Aydan St. being extended to intersect with Lake Drive); thence with the West side of Lake Drive and/or Ewell Street, South 16 deg. 30 min. West crossing Tackett Branch, a total distance of 157.8 feet to an iron; thence with the West edge of a revision of Lake Drive, South 56 deg. 35 min. West 177.9 ft. to an iron and continuing S. 50 deg. 38 min. W. 100 ft. to an iron and continuing South 27 deg. 10 min. West 100 feet to an iron (said irons on the West side of Lake Drive revised, being set 20 feet West of the center line of present road grade); thence with the North edge of Lake Drive as it changes its course, North 86 deg. 30 min. West 218.7 feet to an iron in the East line of a tract conveyed to C. J. Gilley by deed dated March 21, 1935; thence with the East line of said Gilley tract, North 2 deg. 54 min. West 213.2 feet to an iron set in the South edge of a County Road (now Lake Road); thence with the South edge of this said last road, North 64 deg. 13 min. East 259.85 feet to an iron; thence North 67 deg. 55 min. East 100 feet to an iron; thence North 75 deg. 25 min. East 100 feet to an iron; thence South 89 deg. 58 min. East 100 feet to the POINT OF BEGINNING (said last irons in the South line of County Road or Lake Road are set 15 feet South of the center line of present road grade) and containing 121.968 square feet, more or less. Same being a tract of land in Primitive Heights on both sides of Tackett Branch between County Road and Lake Road and a revision of Lake Drive to the North and South and the East line of the Gilley tract and an extension from Lake Drive to County Road or Lake Road to the West and East, as per recovery survey made by W. T. Combs in October 1945, taken from the original map of Primitive Heights by W. B. Trogdon made in March 1921 and Trogdon's revision September 8, 1928. Deed Reference: Book 837, page 2019. The above-described property being more commonly known as 820 Lake Drive and identified by the Rockingham County Tax Dept. as PIN 7070-10-36-8334 and Parcel No. 105154.

WHEREAS, on the 9th day of February, 2023, the Director caused to be issued a Complaint and Notice of Hearing for the 28th day of February, 2023, which was served on the property owners by first class mail and certified mail, return receipt requested; the certified mail was returned marked "Unclaimed" and "Unable to Forward;" the first class mail was not returned; the Complaint and Notice of Hearing was posted on the subject property on the 13th day of February, 2023; and

WHEREAS, the hearing was held on the 28th day of February, 2023, and the Director subsequently issued an Order to repair, alter, improve or vacate and demolish the dwelling located on the property; and

WHEREAS, a copy of the Order was served on the property owners by certified mail, return receipt requested, and first-class mail; the certified mail was returned by the U. S. Postal Service marked "Unclaimed;" the first-class mail was not returned; and

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

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

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

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

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

APPROVED, ADOPTED AND EFFECTIVE, this 15th day of August, 2023.

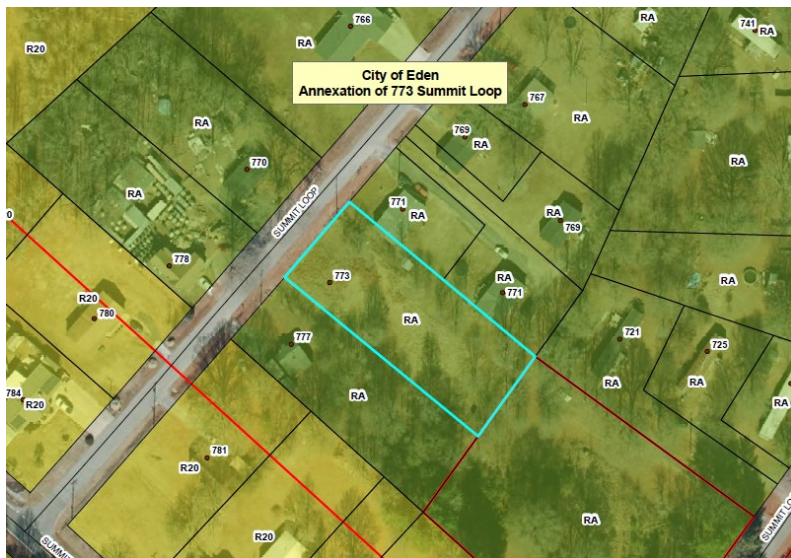
CITY OF EDEN

BY: Neville Hall, Mayor

ATTEST: Deanna Hunt, City Clerk

- b. Consideration to adopt a resolution to direct the Clerk to investigate the sufficiency of an annexation petition for 773 Summit Loop. Case A-23-04.

Ms. Stultz wrote in a memo: The City has received an annexation request for property located at 773 Summit Loop. The property is owned by Jason S. Darnell of Brason Properties LLC. 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: 7-20-2023

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-58-58.3 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? Yes or No	Signature
Brason Properties LLC Jason S. Darnell, Manager	Property Address: 773 Summit Circle Eden, NC 27288	Yes	
PIN... 7081 19 50 8468 00			
Mailing Address: 5014 Casting Way, Greensboro, NC 27455			

Mayor Hall called on Ms. Stultz.

Ms. Stultz said a petition had been received for voluntary annexation from the owners of 773 Summit Loop. They wanted to be part of the water and sewer system, which policy said was allowed if they were annexed. It was a fairly simple thing. They needed the clerk to investigate the sufficiency as per the statutes, and she and her staff would take care of that.

A motion was made by Council Member Ellis to adopt a resolution to direct the Clerk to investigate the sufficiency of an annexation petition for 773 Summit Loop. Council Member Light 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 July 20, 2023, by the City Council of the City of Eden; and

WHEREAS, N.C.G.S. 160A-58.2 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 15th day of August, 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.

Mayor Hall thanked him and staff for the detailed report. Copies were available at the meeting, in Eden's Own Journal, and on the City's website.

August 2023
City Manager Jon Mendenhall

ADMINISTRATION DEPARTMENT
Marketing & Communications Office

The City of Eden would like to thank the following sponsors for Shagging on Fieldcrest!!!

Nestle Purina, Barham & Associates, Eden Marketing & Special Events, Pace Stone, Draper Volunteer Fire Department, Liberty Tax, Fair Funeral Home, Karen Cochran, Mabe Trucking Co., Ray's Hitch & Trailer Sales, Boone & Cooke Funeral Home, Draper Cycle, Eden Veterinary Hospital, Audie & Cathy Land, Kingston Heating & Air, Tim Biggs Towing, Draper Lumber Co., Tommy & Vicki Underwood, Gold Circle Printworx, Jerry & Debbie Ellis, Preppy Pirate Outfitters, Kenny & Tina Kirkman, Eden Chamber of Commerce, Raymond Thomas, Home Lumber Co., Hale's Body Shop, Pine State Group, Allstate Insurance – Duane Adams, Luck Stone, Wyatt Auctions, Rhonda & David Price, Pit-Stop Auto Sales, HomeTrust Bank, Purlina's Gift Baskets, Eden Chiropractic/Protherapy Concepts, Railroad Café, Tri-City Glass, That Little Pork Shop. For all those who came out and enjoyed super performances by Papa Thump, The Pink Slips and The Embers - THANK YOU!

Our Summer Grown & Gathered set for August 10 SOLD OUT once again. Thank you to all those who purchased tickets.

RIVERFEST IS ALMOST HERE! We have a fun and exciting weekend planned to celebrate 20 years! There will be live concerts, over 150 vendors, delicious food, Ninja Warrior Course, Butterfly Encounter, Trick Roping, 360 Degrees photo booth, gem sluice, Kids Zone, and so much more. Make sure you bring your chairs for the concerts and plan to come early and stay late.

FRIDAY – September 15 – 5 to 10

SATURDAY – September 16 – 10 to 10

PARKS & RECREATION DEPARTMENT
Recreation Division

Bridge Street: Bridge Street Recreation Center stays busy with daily walkers and fitness classes. Summer camp participants enjoyed traveling to Fairystone State Park and to a Greensboro Grasshoppers game. Staff is getting ready for afterschool programs once school starts back.

Mill Avenue: Pickleball is being played Monday, Tuesday, Wednesday and Friday. Kids are still coming to play basketball daily. Prowlers will soon start a new volleyball program.

Aquatics: The Mill Avenue Pool and Freedom Park Splash Pad are busy with around 125 swimmers daily. They are still being rented out for special events as well.

Freedom Park: Weekend tournaments with either adult or girls fast pitch softball are still going strong.

Senior Citizens: Our Seniors traveled for a physical wellbeing check and played bingo. They are planning a winter trip later in the year.

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

Inspections & Permits July 1 July 31,2023

Total Inspections Performed 195 (Does not include fire inspections)

Total Permits Issued 123

There were 195 inspections completed in the month of July. A total of 9 building permits were issued for new single-family residences. Plan review continues for new construction documents for the Nestle Purina project as they are released. Assistance is being given on the construction project of the new fuel dispensing facility located at public works. The new utilities (electric and gas service) have been coordinated and marked for installation. A construction meeting for this project will take place on August 2.

Boards & Commissions

The Community Appearance Commission did not meet for the month of July.

The Historic Preservation Commission did not meet for the month of July.

The Tree Board did not meet for the month of July. Staff also received an update on the Tree Inventory Study facilitated by the N.C. Department of Forestry Services, which has been completed. Our staff plans to use the data from the study to address the strengths, weaknesses, opportunities and threats (SWOT) of trees in the City of Eden. In particular, staff previously composed a draft plan for a 30 for 30 tree planting campaign to celebrate the upcoming 30 years the City of Eden will be a "Tree City USA" City and will use the data from the study as a guideline. Staff also collaborated with Steve Rippey, of Rippey Advertising, to manufacture a commemorative bronze plaque for the "In Honor of Debbie Galloway" Tree, which was planted at Grogan Park in May 2023.

The Planning Board did not meet for the month of July.

The Internal Technical Review Committee met for the month of July to review in-house cases.

Gus Shinn Mural Project

Staff has been in contact with the artists for the Gus Shinn Mural Project about the progress, which is approaching soon. Staff also collaborated with Steve Rippey, of Rippey Advertising, to manufacture a commemorative bronze plaque for the Mural Project. Staff also has been in contact with relatives of Mr. Shinn to coordinate their visit for the celebration/ribbon cutting of the unveiling of the Mural. Staff has also been in contact with Kristi Brantley, Local Government Coordinator for the N. C. State Historic Preservation Office, about coordinating their involvement in the celebration/ribbon cutting as well.

Ferry Road Sign Project

Staff researched sign making options for the Ferry Road Sign Project. Staff contacted the Historical Marker Department for the N. C. Department of Natural and Cultural Resources about potentially submitting an application for the manufacturing of the Ferry Road Sing Project, due to its historical significance.

POLICE DEPARTMENT

The testing of GLOCK pistols has been completed. We have placed an order for 48ea GLOCK Model 45 for uniformed officers and 17ea GLOCK Model 19 for plain clothed officers. We should receive these pistols within 90 days of the order date, which would allow us to transition these firearms during our November qualification.

We have ordered and received six 2023 Dodge Durango's. These vehicles are staged at the City shop awaiting upfit.

ALPR (AXON) has been turned on and is currently in operation.

We anticipate the AXON Interview Room upgrade to be completed in November.

We are currently waiting for the Criminal Justice Standards approval for certification to proceed with one hire and have three full-time trainees in the Rockingham Community College Basic Law enforcement Training program.

FIRE DEPARTMENT

Captain Kevin Dunn was appointed as the new Fire Marshal for The City of Eden. The Fire Department has hired three new full-time employees, there remain two open positions in suppression which are actively being recruited.

PUBLIC WORKS DEPARTMENT

Streets

Work is approximately 65% complete on the Monroe Street streetscape project. Work continues on roadside vegetation and street patching; both of these crews are busy and are in the prime of the season.

Construction

Construction completed finished grading at the City's Fuel Depot and will be working on a drainage project on Maryland Avenue followed by some inflow-infiltration work in some of the sanitary sewer collector mains in Draper. The grading for the Dog Park has been looked at and a solution involving catch basins has been reached to address drainage in that area (this will be scheduled for a later date when grass can be re-established more easily post-excavation).

Collections & Distribution

Work is progressing in this unit; routine items include repairs/replacements/clearing blockages as needed and maintaining outfalls. Inventory availability has improved, hydrants and meters are on-hand, a developer is working with the City to forecast out need in such a way so that items can be carefully pre-ordered so that they arrive in a timely manner so as not to unnecessarily pause or delay construction.

Solid Waste

Solid Waste continues to provide reoccurring municipal solid waste collection keeping our community clean. The knuckle boom truck ordered in the last budget cycle has yet to arrive, with expected delivery pushed back to September 2023 (more lead time for orders has been discussed and we expect to bring forward a proposal to pre-order solid waste collection trucks with the time delay factored in on the next round of ordering).

Fleet

Fleet is in the process of ordering new software and gearing up for the fleet purchases as outlined in the budget. Work is on-going on the new city fuel system and depot, the system is on order, the pad is graded and ready for construction. Fleet is also working with all units on completing the purchase order process for approved vehicles and equipment (inventories remain low and timely delivery of vehicles and equipment may be a challenge).

Utilities

The Wastewater Treatment Plant is complete on work related to the headworks – bar screens as part of identified capital improvement to the plant. The plant is transferring flows from north basin to south basin as part of preparation for the North Basin Reconstruction project.

The Water Treatment Plant is substantially complete on building upgrades to the filter gallery hall and the laboratory. Generator switchgear work is complete. One sludge scrapper has been prepared for painting as part of on-going maintenance to this equipment.

Water Resources completed the installation of generators at pump stations that do not have generators and will be completing this project once fencing is installed on the improved layouts.

b. Eden Tree Board Sample Inventory Study.

Mayor Hall called on Planner Jeff Alderman and Grants Administrator Chase Lemons.

Mr. Lemons said he wanted to give an update on the sample tree inventory staff had been working on the last several months. The process started in the spring. He had been meeting with the Tree Board, which Mr. Alderman assisted with. There was a grant offered through the North Carolina Forestry Service. It allowed a contracted team to inventory typically 10 percent

of a municipality's trees. He met with the Tree Board and found they were interested in applying for the grant. He applied for the grant in April and the City received it at no cost. In June, the contractor – PlanIt Geo – came to Eden and did an inventory of 10 percent of the trees in the city limits. He presented information from Tree Plotter software that showed their findings. Each dot on the map he showed represented a different tree. Any citizen could come in and access the information. They could click on any of the dots which would reveal the condition of the tree and what type it was. Further details revealed things like how many stems the tree had, the family of the tree and the overall structure. It would help the Tree Board a lot, especially with the kinds of trees they needed to plant. Any trees in poor condition could be taken down. It would also help Public Works determine which trees needed to be taken down and replanted. It covered a small sample portion within all of the city limits.

Council Member Ellis asked him to look at the one at the softball field on Pierce Street.

Mr. Lemons said they did not hit any on that territory expected once on Greenway Drive. A computer system provided randomized coordinates for the contractors to check. Staff felt like the study would definitely help for planning purposes, especially the Tree Board providing information on what trees to plant, where to plant them, and where trees should be removed. He wanted Mr. Alderman, the Tree Board's representative, to tell a little more about that.

Mr. Alderman said depending on the acceptance of the year's Tree City USA Tree Report, it would make 30 years the City had been a Tree City USA. In his opinion, that was something to be proud of. He was not sure if there were any sports fans there, but Sports Center had a 30 for 30 docuseries. The Tree Board members and staff came up with a 30 for 30 campaign with a goal to get 30 trees planted in honor or in memory of people. The plan was to have a tier system, like platinum, gold, silver and bronze levels. The data from the survey could help them narrow down spots where tree canopy was needed. The data could help them determine what types of trees could be planted in an area. The campaign was still in the early stages. Staff found out that day, because they did the tree study, they could provide a survey back to the Arbor Day Foundation along with a small monetary donation and would receive 10 free flowering trees along with two free flowering crape myrtles. Just by doing the tree survey, the City and the Tree Board were getting 12 trees somewhat free. The tree study was really good for the City. It was like a SWOT analysis: strengths, weaknesses, opportunities and threats.

Mr. Lemons wanted to mention that a study was done for the City in 1999. He had gone back and looked at those. Having the information on a cloud website instead of trying to find the coordinates on a piece of paper was awesome. It was part of a two-part grant the Forestry Service offered. Staff would look into applying into the companion piece, a canopy cover assessment, when it was offered. He would take it to the Tree Board to gauge their interest and support. If they were interested, he would apply for it and hopefully be able to put the two pieces together to have a solid set of data.

Council Member Ellis asked Mr. Alderman about the value of the 12 trees the City would receive.

Mr. Alderman said the letter he had received that day did not have a specific monetary amount so he could not give a certain number. In the current fiscal year, the Tree Board was allotted \$1,700. Trees could run up to \$500 or \$600 each.

Council Member Ellis said especially the crape myrtles.

Mr. Alderman said he was not certain but was thinking to make a \$200 to \$300 donation to the Arbor Day Foundation. If they did the math on the trees, the City was definitely going to benefit from that.

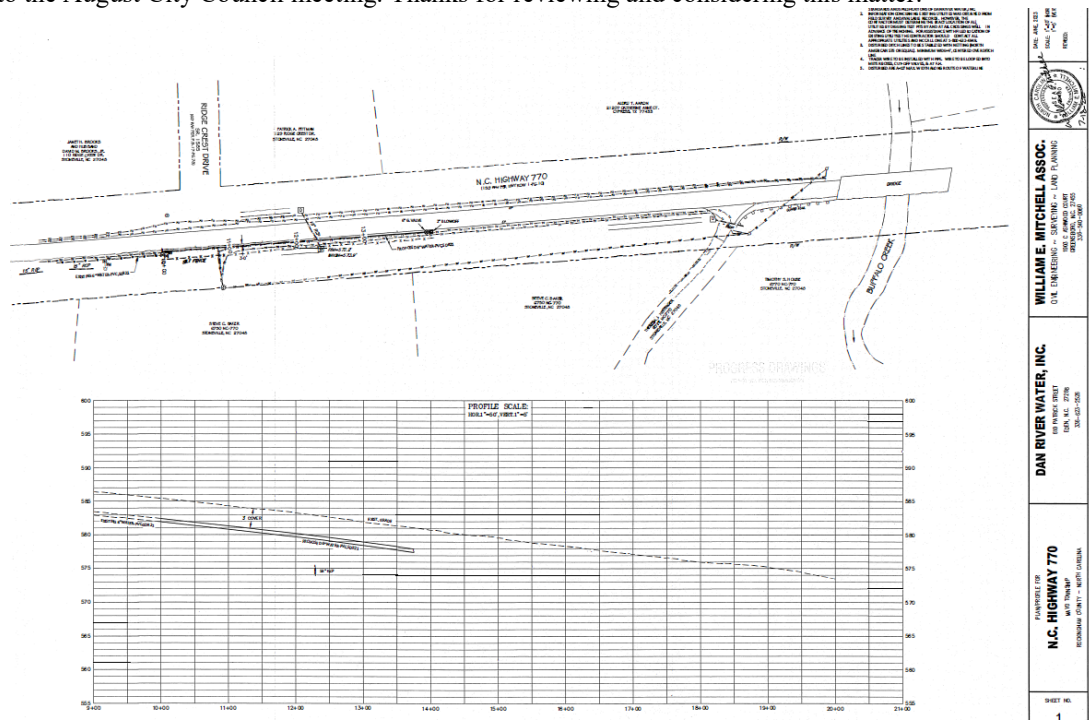
Mayor Hall thanked them both for their work on it and securing the grant funding.

CONSENT AGENDA:

- a. Approval and adoption of the July 18, 2023 regular Council meeting minutes.
- b. Consideration of proposed water main extension by Dan River Water, Inc., along NC 770.

Design and Construction Manager Bev O'Dell wrote in a memo: Mike Lemons, Utility Supervisor for Dan River Water, Inc., is requesting that City Council grant approval for the proposed installation of about 375 LF of 6-inch diameter PVC water main along NC 770 near the entrance to the Whispering Pines subdivision. The short extension of the existing Dan River Water, Inc. water main is located about 1.4 miles west of our city limits. Approval of the proposed improvements is being requested in accordance with the water

purchase agreement between the City of Eden and Dan River Water, Inc. Preliminary plans for the proposed water main improvements, prepared by William E. Mitchell Associates, are enclosed for your review and information. The Engineer's Report for the project is also enclosed. The proposed improvements are intended to serve three single-family residences. It is recommended that the proposed Dan River Water, Inc. water main extension along NC 770 be allowed to proceed towards getting plan approval from Public Water Supply Section, then installed when DRW has the funding needed. If you have any questions, please do not hesitate to contact me, or Mike Lemons, prior to the August City Council meeting. Thanks for reviewing and considering this matter.



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

ANNOUNCEMENTS:

Mayor Hall congratulated Marketing & Special Events Manager Cindy Adams on another successful event with Grown & Gathered. It was a very nice event and everyone was pleased with how it turned out. Saturday was Touch-A-Truck, which was a popular event in the Henry Street Municipal Parking Lot. RiverFest was right around the corner in September. A cruise-in would be held August 26 at Freedom Park. Those were just some highlights of the activities going on. Morehead football had their first game Friday night at 7:30 at home. It was always good to see a big crowd there to support the teams and the school.

Council Member Underwood said the JV team played Thursday at home.

Mayor Hall said they would both be at home, which was unusual but the Cummings field was messed up so both games would be in Eden. The JV game would be Thursday at 7 p.m.

Council Member Underwood said he had some things he wanted to bring up. First, he was receiving complaints that a lot of homeless people were moving onto the greenway. They were bothering walkers and it was not safe, especially for women to walk. A lot of people said they were not going to go back there because of it. He asked Mr. Mendenhall if the park ranger position was budgeted.

Mr. Mendenhall said it was, and he believed two were budgeted. They had a hard time filling the position due to the economy.

Council Member Underwood said he was wondering about that and if they could do some type of patrolling on the greenway somehow. His next item of concern was directed to Ms. Stultz. He asked for an update on the fire department and Draper School.

Ms. Stultz said she and Mr. Lemons had been on a number of meetings with the state and consultants. It had been frustrating for them as well. The state was saying they were in an environmental review, which was not an environmental issue as the City would think about it. They were hoping to get them moving as fast as they could. They stayed on top of the consultants and the state. Staff was trying to arrange another meeting with the state that week.

Council Member Underwood said if it were going to drag on out, Council and the city manager needed to go ahead and make accommodations to either tear that one down and build a new one in its spot of whatever they needed to do. He thought it was time for that. The citizens down there had been without a fire department for quite some time. That was just a comment he was making. His next question was if staff could be hired to prevent people from working overtime. A lot of people did not want to work overtime.

Mr. Mendenhall said that was a hard question to answer without knowing the department or division. He would welcome a conversation one-on-one so they could determine who needed to be addressing that. It could be due to a shortage at the water plant, it could be due to extra duty at the police department. Without further details it was hard to answer. He would be happy to talk about it but he needed further information.

Council Member Underwood said that was fine. His next issue was that there had been an accident at the splash pad that week and he had spoken with Mr. Thomas about it, who said it had not been reported to him. A little child slipped and ended up with five staples in his head and a concussion. There was a slip-resistant surface coating. He asked if that was something that could be looked into to prevent more accidents. Safety was their number one priority.

Mr. Mendenhall agreed. The safety of the park patrons was paramount and he would be happy to have the park staff work with Council Member Underwood on that. He asked if Council Member Underwood had information he could share with the park staff about the product.

Council Member Underwood said he could get with Mr. Thomas and they could do some research on it.

Mr. Mendenhall said they would appreciate being able to work with him on it.

Council Member Underwood said his last issue was that he wanted to bring up a comparison study of where employees were right now compared to the NCLM (North Carolina League of Municipalities) study. He would like to have the information for Council for the budget retreat. He was not asking to do anything currently because he did not think they could. It would be good information for Council to let them know where the employees were and what they needed to do to get them where they needed to be. That was all he was asking. He asked if that were possible.

Mr. Mendenhall said as Council Member Underwood knew, they provided that information every year and would be happy to provide that information in time for the budget. Typically, the NCLM did not publish their study in advance of all that, it usually lagged past January. Staff would provide that information as soon as it was available. They did not have a problem doing that.

Council Member Underwood said he thought the budget retreat would be appropriate.

Mayor Hall said he wanted to read some of the minutes from the last budget retreat Council had when it was discussed at length. He said Council had directed staff to get pay study prices and they did. As they did every year, staff studied the NCLM's pay study information.

Mayor Hall read from the March 16, 2023 Budget Retreat Minutes (available [her on our website](#)):

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.

Ms. McMichael said the city manager had given a good introduction to the salary study proposals that were received that Council had requested. The MAPs Group would do it for \$25,920 plus itemized expenses which may increase that another \$2,000 plus travel time. 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 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. 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.

Mayor Hall said he had been approached about it several times by members of Council and told that was not the case. He went back and researched it, and that was exactly the case. They had agreed to use the NCLM study last year in the budget retreat and had approved the budget. Since 2021, salaries had been increased by 21 percent for the employees. No, it was not enough but every one percent the salaries were increased was about 1.86 cents on the tax rate. He wanted to be careful about overextending the resources. He was all for retention and he would like to keep the employees happy but he just wanted to point out that it was not a lie when he said Council had planned to use that study.

Council Member Underwood said he wanted to clarify what he was asking for. He was asking for the NCLM study. He had seen it and he wanted to study it comparing what the City employee salaries were, not someone else's, and compare it to the NCLM study, and see what the difference was. He had seen a big difference.

Mayor Hall said he thought that was going to get into personnel. You had to go into someone's personnel file to determine why they were above or below a particular salary range in his opinion. That had nothing to do with Council and that was what the manager did. And there was a grievance process. If someone felt they were not paid adequately there was an ordinance to go through to have a grievance heard.

Council Member Underwood said all he was asking for was to do the study to give Council an idea of where they were and where we need to be.

Council Member Ellis noted the Prowlers would open their season Saturday, August 26. He had been to many of the practices they were having for about three weeks. There had been great turnout with the football program. He complimented the recreation department for the superb coaching they had. It was great that recreation was behind the program. Everything seemed to be going well with the youth playing. It was a great asset to see over 100 kids being part of the program. He complimented the City for backing the Prowlers organization and bringing it into the City to possibly benefit Morehead High School and surrounding schools in the future. It was a plus for the City, including the new volleyball program in recreation for girls. That was where the future lay. If the City built it, they would come, he really believed that. He hoped in the next months they could get some other recreation needs fulfilled. The department was continuing to improve. If they believed in a positive direction, it would come back.

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



MEMORANDUM

To: Honorable Mayor and City Council

Thru: Jon Mendenhall, City Manager

From: Melinda Ward, Utilities Manager

Date: September 19, 2023

Subject: Resolution to Apply for Additional Funding for the North Basin Project

The Resolution attached is for Council consideration for applying for state grants and loans for the North Basin Project. Due to rising construction costs, the estimated total cost for the project is expected to exceed the amount of the grant that was received. Additional funding will be necessary to complete the project.



RESOLUTION BY GOVERNING BODY OF THE CITY OF EDEN

WHEREAS, The City of Eden has need of and intends to perform considerable Repairs and Renovations to the North Aeration Basin and upgrades to their wastewater treatment process. The existing basin uses brush rotor aerators and solar mixers. The walls of this basin are poured on slope panels with minimal reinforcement, and have severely corroded. As a result, the sloped wall panels in several locations are beginning to break away from the original location and are sliding inward toward the basin floor. The City has been attaching cabling and anchors as a temporary means to prevent complete failure. Currently only the north aeration basin has mechanical aeration which provides biological treatment so it is critical for this treatment component to be repaired immediately. In order for the north aeration basin to be renovated, the existing brush rotors will need to be relocated to the equalization basin for temporary treatment until the construction of the north aeration basin improvements are complete, and;

WHEREAS, The City of Eden intends to request State loan and/or grant assistance for the project,

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

That the City of Eden, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Eden to make a scheduled repayment of the loan, to withhold from the City of Eden any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That Jon Mendenhall, City Manager, the **Authorized Representative** and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.

That the **Authorized Representative**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, ordinances, and funding conditions applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this 19th Day of September, 2023 at Eden, North Carolina.

By _____
Neville Hall, Mayor

FORM FOR CERTIFICATION BY THE RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Eden, North Carolina does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City Council of Eden, North Carolina duly held on the 19th day of September, 2023; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of September, 2023.

Signature, 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: September 19, 2023

Re: Budget Amendment # 1

The attached budget amendment appropriates fund balance from the Runabout Travel Fund to cover Senior activity expenditures.



MEMORANDUM

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Amy P. Winn
Assistant Director of Finance
Date: September 19, 2023
Subject: Budget Amendment # 1

	Account #	From	To	Amount
Runabout Travel Fund				
Revenues				
Fund Balance Appropriated	25-3991-99100	\$ -	\$ 3,000.00	<u>\$ 3,000.00</u>
General Fund				
Expenditures				
Runabout Travel Expense	25-9100-31200	\$ 20,000.00	\$ 23,000.00	<u>\$ 3,000.00</u>

Appropriates fund balance for Senior activities.

Adopted and effective this 19th day of September, 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: September 19, 2023

Re: Budget Amendment # 2

The attached budget amendment appropriates funds received from the NC Office of State Budget & Management for the purchase of SCBA (air packs) for the Fire Department.



MEMORANDUM

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Amy P. Winn
Assistant Director of Finance
Date: September 19, 2023
Subject: Budget Amendment # 2

	Account #	From	To	Amount
General Fund Revenues				
State Grant	10-3412-42000	\$ -	\$ 360,000.00	<u>\$ 360,000.00</u>
General Fund Expenditures				
Fire C/O Equipment - Depr	10-4340-57000	\$ 320,000.00	\$ 680,000.00	<u>\$ 360,000.00</u>

Appropriates State grant funds received for SCBA purchases for the Fire Department.

Adopted and effective this 19th day of September, 2023.

Attest:

Deanna Hunt, City Clerk

Neville Hall, Mayor

Amy Winn

From: OSC.nc.payment@osc.nc.gov
Sent: Thursday, October 27, 2022 12:40 PM
Subject: [EXTERNAL]NC E-Pay Remittance Advice

TO:
CITY OF EDEN

PO BOX 70
EDEN NC 27289-007

RE:
Direct Deposit Notification

Within three business days, pending agency funding approval, your bank account will receive a direct deposit of \$860000.00 for payment number 03PT0010330357. It is your responsibility to confirm that this deposit was made and is available for your use.

These funds were paid by the following agency:
OFFICE OF THE GOVERNOR
TRADE ACCOUNTS PAYABLE
20320 MAIL SERVICE CENTER
RALEIGH, NC 27699-0320
Agency Contact Phone: 919-814-2000

Please direct all questions regarding this payment/deposit to the agency contact phone number listed directly above. This agency maintains information regarding your payment records. Any questions concerning payment amount and invoice information/documentation should be directed to the agency's Accounts Payable office and they will be happy to assist you with your inquiries PLEASE DO NOT REPLY TO THIS EMAIL. CONTACT THE PAYING AGENCY AT THE NUMBER LISTED ABOVE.

Invoice Number	Inv Date	Invoice Amount	Discount Amount	Net Amount	
23-DG-10102-01	10/26/22	\$860000.00	\$00.00	\$860000.00	360,000 FD SCBAs
FY 23. DG GRANT - CITY OF EDEN					500,000 Fuel Tank System
		TOTAL:	\$860000.00		

This notification was sent from the North Carolina Office of the State Controller. If this notification has been sent in error, please contact the agency listed above to make corrections. EXTERNAL EMAIL. Do not click links or open attachments unless verified. For all suspicious emails, please use the Phish Alert Button to submit for review. Thank you!



MEMORANDUM

To: Honorable Mayor and City Council

Thru: Jon Mendenhall, City Manager

From: Melinda Ward, Utilities Manager

Date: September 19, 2023

Subject: Resolution of Tentative Award for Basin Cleanout

In accordance with State guidelines, a resolution must be adopted showing tentative award for the North Basin Cleanout to Synagro. This request was put out to bid in newspapers and on our website, but we only received one bid. After readvertisement, still only one bid was received. Included is a resolution showing that the City tentatively accepts the bid to award the contract to Synagro.



Resolution of Tentative Award

WHEREAS, the City of Eden, North Carolina has received bids, pursuant to a duly advertised notice for Phase I of the North Aeration Basin Project, Basin Cleanout and Land Application of Biosolids , and

WHEREAS, Dewberry Consulting Engineers have reviewed the bids; and

WHEREAS, Synagro Central LLC was the lowest bidder for Phase I of the North Basin Project, in the total bid amount of \$388,020, and

WHEREAS, the consulting Engineers recommend **TENTATIVE AWARD** to the lowest bidder(s).

NOW, THERE FORE, BE IT RESOLVED that TENTATIVE AWARD is made to the lowest bidder(s) in the Total Bid Amount of \$388,020.

Name of Contractor	Amount
1. Synagro Central LLC	\$388,020
2. No Other Bidders (with project re-advertised)	

BE IT FURTHER RESOLVED that such TENTATIVE AWARD be contingent upon the approval of the North Carolina Department of Environmental Quality.

Upon motion by _____, seconded by _____, the above **RESOLUTION** was unanimously APPROVED, ADOPTED AND EFFECTIVE this 19th day of September, 2023.

Neville Hall, Mayor

Attest:

Deanna Hunt, City Clerk

(Seal)

CITY OF EDEN – MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

THRU: JON MENDENHALL, CITY MANAGER

FROM: TERRY SHELTON, SPECIAL PROJECTS MANAGER

DATE: SEPTEMBER 12, 2023

SUBJECT: REQUEST TO COUNCIL TO APPROVE A RESOLUTION TO REQUEST FUNDING FOR REHABILITATION OF THE KINGSWAY HIGHWAY GRAVITY SEWER LINE

Staff is asking Council to approve our effort to apply for a \$2,000,000 loan/grant (\$1,500,000 loan and \$500,000 in principal forgiveness) that can be used to do engineering work and the construction for planning the rehab and repair of the Kings Highway Gravity Sewer Line. This request for funding requires a resolution by Council asking for financial assistance.

During a video camera inspection in August, the sewer line was found to have deteriorated significantly at several points since the last inspection. We have designated the Kingsway Highway Gravity Sewer a high priority for our continuing sewer collection system rehabilitation. This line is not specifically in the EPA Remediation Plan, but if it fails before it can be repaired, it will become a source of SSOs.



RESOLUTION BY THE CITY COUNCIL OF THE CITY OF EDEN

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government and financing the cost of construction and planning of improvement of wastewater and drinking water systems, and

WHEREAS, The City of Eden has need for and intends to complete various wastewater system improvement projects to provide wastewater system resiliency/asset hardening and to comply with US EPA Administrative Order CWA-04-2012-4578, and

WHEREAS, The City of Eden intends to request state loan and/or grant assistance for the projects,

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

That the City Of Eden, the Applicant, will arrange financing for all remaining cost of the project including required matching funds, if approved for a state loan and/or grant award.

That the Applicant will adopt and place into effect on or before completion of the projects a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the Applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Eden to make scheduled repayment of the loan, to withhold from the City of Eden any State funds that would otherwise be distributed to the local government unit in a amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the Applicant will provide for efficient operation and maintenance of the projects on completion of construction thereof.

That **Jon Mendenhall, City Manager, the Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a loan and/or grant to aid in the completion of construction projects described above.

That **Neville Hall, Mayor**, and successors so titled, is hereby authorized and directed to furnish such information as appropriate State agency may request in connection with such application or the projects; to make the assurances as contained above; and to execute other documents as may be required in connection with the application.

That the Applicant has substantially complied will will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to the Federal and State grants and loans pertaining thereto.

Adopted this 19th day of September, 2023 at Eden, North Carolina.

By:

Neville Hall, Mayor

Attest:

Deanna Hunt, City Clerk