

CITY OF EDEN, N.C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, September 19, 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 Lauren Sims Salata, Leaksville United Methodist Church, gave an invocation followed by the Pledge of Allegiance led by Harper Gilley, second grader at Leaksville-Spray Elementary School.

PROCLAMATIONS AND RECOGNITIONS:

a. Proclamation: Constitution Week

Mayor Hall asked Everall Peele to come forward. He read the proclamation and presented her with a copy.

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.

By: Neville Hall, Mayor

Attest: Deanna Hunt, City Clerk

b. Proclamation: Remember Me Thursday

Mayor Hall asked Lisa Goldsworthy to come forward. He read the proclamation and presented her with a copy.

Ms. Goldsworthy thanked Mayor Hall for always supporting the organizations with proclamations which the group had done for nearly nine years, as well as always supporting and attending their events, including adopting a dog. She urged

the audience to follow his lead. She wanted to provide some statistics. Pet adoption across the U.S. was up significantly, maybe 50 percent. Despite that number, over 6 million cats and dogs landed in shelters across the U.S. In Rockingham County, 3,600 dogs and cats landed in the shelter in Rockingham County in 2022. Unfortunately, over half of those spent their last days in the shelter. The purpose of Remember Me Thursday, as the proclamation said, was to shine a light on pet adoption, showcase those animals who were still available for adoption, and most importantly to the group was to honor those who did not make it to happily ever after. The group would hold a ceremony in Grogan Park on September 28. They were selling luminaries for \$5 each. Their hope was to sell one for each of the 1,350 animals who lost their lives. Buying a luminary was not required and the group would love for people to come and bring their furry friend. They were a hard-working group of volunteers with full-time jobs and pets of their own. She recognized her husband who had shown up and was in the back of the room.

Mayor Hall said that was definitely a group who operated as a labor of love and were very passionate about the pets they helped. He asked the audience to support the Friends of Eden Animal Rescue.

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.

By: Neville Hall, Mayor
Attest: Deanna Hunt, City Clerk

SET MEETING AGENDA:

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

PUBLIC HEARINGS:

- a. Consideration to approve amending CDBG funding to include the Fire Station #2 rehabilitation project.

Planning & Community Development Director Kelly Stultz wrote in a memo: 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.

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

Ms. Stultz said the Department of Commerce had decided to attach the fire station project to the Community Development Block Grant Neighborhood Revitalization (CDBG-NR) already underway in the area surrounding the fire station. Currently for that grant, there were two of seven houses under construction and they were nearing completion. The remaining five were bid the prior week. All of them, as many bids did, came in over what the limit was and the City was sending in paperwork the following day to ask permission to use more funds to complete those projects. They would also be asking for an extension so the fire station could be completed. The public hearing had been advertised. There had been several other

public hearings for the grant and one other one for the fire station but the number kept going up. The public hearing was to give appropriate notice to the citizens and to Council that staff was asking for funding and would receive it soon, she hoped, in order to get the project underway. Bid documents were ready as soon as staff received the go ahead.

Melissa Galloway, director of Home of Refuge Outreach at 205 N. Main Street, wanted to thank Council for all the years the outreach had been in the basement of the fire department. It had been about 13 years. She thought it was a good project to do to renovate the building. She wanted to thank Council for their faithfulness and commitment of allowing the homeless to be housed there. Of the 13 years the outreach had been there, over 650 people had been housed. Currently they had four Morehead High School students, one Lincoln Elementary School student, as well as a stage-four cancer patient and his wife. The cancer patient was not allowed to do his treatments until he had a permanent residence. She again wanted to thank Council for the use of the building.

Council Member Underwood asked how much longer the process would delay the renovations of the building.

Ms. Stultz said the latest numbers were up over \$880,000 for the entire project after all the water issues were discovered. It had to be closed out by July of next year. Staff believed they would be able to get started on the renovations within 45 days of the project being bid out, assuming they received good bids. It should not take more than two months to complete the work that needed to be done.

Council Member Underwood said so 45 days.

Ms. Stultz said yes, that was her best guess. The Department of Commerce was even bigger than the Department of Transportation and operated at their own speed. It was a lot of money that would not come out of the City's budget.

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

A motion was made by Council Member Kirkman to approve amending CDBG funding to include the Fire Station #2 rehabilitation project. Council Member Ellis seconded the motion. All members voted in favor of the motion. The motion carried 7-0.

Ms. Stultz wanted to update Council regarding current grants. The Draper School project was currently in environmental review, which was the last hurdle before they could get started. Grants Administrator Chase Lemons had spent a lot of time gathering information for the State Historic Preservation Office. They had 30 days to respond and the expectation was to receive feedback from them by October 1. Mr. Lemons discovered there was a roof warranty they may be able to use once there was clearance from the state to pay for part of that repair. It would allow money to be spent somewhere else on the project. Staff was waiting on delivery of the electric vehicle charging stations the City had been awarded which would be installed by Public Works. Chief Inspector Bob Vincent and Duke Energy made the recommendation to move those to the parking lot on Bridge Street because the City would not have to run any new power lines and it would cut down on expense. Since July 1, the City had awarded a building improvement grant to the American Legion to help them repair a roof and \$1,000 to Danview Cemetery for their landscaping expenses. There were several other businesses coming in with applications. Staff submitted a letter of interest, preapplication and had a follow-up meeting with the Department of Commerce's Southern Crescent Regional Commission in regards to grant funds for the Purina sewer reroute project. Staff met in person with DEQ in Wilmington and discussed other public works, wastewater and riparian buffer projects and continued those processes with the City's Utilities Team as well as Piedmont Conservation. Staff was working with Coca-Cola to get grant money to restore the sign on the side of the former Central Hotel on Washington Street. Staff was working to apply for more money for housing under the CDBG-NR program.

REQUESTS AND PETITIONS OF CITIZENS:

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

April Blackstock, 9636 N.C. Highway 700, Ruffin, said she had come to ask a question. She had been out of the loop for a while. Two years prior, a MSD (Municipal Service District) was established for the property owners of The Boulevard. Since that time, taxes had been removed from the property owners. A board had not been put together to devise where the

funds would be going. Her issue was trying to figure out when that board would be established and if letters had been sent to all property owners. She asked if they could get that done soon.

Mayor Hall said he could get with Ms. Stultz and discuss that after the meeting.

UNFINISHED BUSINESS:

- a. Consideration to adopt a resolution calling for a public hearing on the annexation petition for 773 Summit Loop.

Ms. Stultz wrote in a memo: 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 6 day of September, 2023.

(SEAL)

Deanna Hunt

Deanna Hunt, City Clerk



Mayor Hall called on Ms. Stultz.

Ms. Stultz said in the recent past, the City had voluntarily annexed a number of properties in the area because the property owners needed sewer in order to do development. The petition was determined to be sufficient and staff asked Council to call a public hearing for the October meeting.

Mayor Hall noted it was just another step in the process.

Ms. Gilley said as a matter of pure transparency, and Mayor Hall had asked her about it, the petitioner in the case was her brother-in-law. There was no conflict of interest in it as there was no economic gain to her at all.

A motion was made by Council Member Epps to adopt a resolution calling for a public hearing on the annexation petition for 773 Summit Loop. Council Member Ellis seconded the motion. All members voted in favor of the motion. The motion carried 7-0.

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 Hall, Mayor

Attest: Deanna Hunt, City Clerk

NEW BUSINESS:

a. Consideration of appointments to Boards and Commissions.

Ms. Stultz wrote in a memo: 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).

Mayor Hall called on Ms. Stultz.

Ms. Stultz said there were currently two vacancies – Mike Corum resigned from the Tree Board and Martha Corum resigned from the Community Appearance Commission. Mr. Corum was Council Member Moore's appointment while Ms. Corum was Council Member Nooe's. The following month, Council would have a similar document in their packet listing those who either needed to be reappointed or replaced by the December meeting they hoped or at least by the January meeting.

Council Member Moore nominated Leslie Wyatt to serve on the Tree Board replacing Mr. Corum.

Mayor Hall noted Council Member Nooe did not have his nominee yet.

A motion was made by Council Member Ellis to appoint Leslie Wyatt to serve on the Tree Board. Council Member Light seconded the motion. All members voted in favor of the motion. The motion carried 7-0.

b. Consideration to adopt a resolution to direct the Clerk to investigate the sufficiency of an annexation petition for 212 Bryant Street.

Ms. Stultz wrote in a memo: 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.



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.

Name	Address	Do you declare Vested rights? Yes or No	Signature
James Gilley	212 Bryant St	No	<i>J. Gilley</i>
JMG Properties of Eden LLC			

Mayor Hall called on Ms. Stultz.

Ms. Gilley wanted to disclosed that she did have a conflict of interest as she was a property owner. She recused herself as she had from the beginning of the issue.

Ms. Stultz said Council had approved a rezoning request about the property. The owners had now asked to be annexed so they could subdivide the property and be able to build a second house on the lot. Staff requested Council order the Clerk to investigate the sufficiency of the petition.

A motion was made by Council Member Moore to adopt a resolution to direct the Clerk to investigate the sufficiency of an annexation petition for 212 Bryant Street. Council Member Underwood 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 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.

By: Neville Hall, Mayor
Attest: Deanna Hunt, City Clerk

c. Consideration to adopt an ordinance to amend Chapter 16: Utilities of the City Code.

Ms. Gilley wrote in a memo: 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.

Mayor Hall called on Ms. Gilley.

Ms. Gilley said Council had before them an amendment to Chapter 16 of the City Code. It currently required sewer connections for developed properties within 200 feet of a sewer line. Septic systems within the City were prohibited from being installed and were only allowed to remain in the City if they were grandfathered in and in working condition. There was currently not a similar requirement on the water connection side. The North Carolina Plumbing Code did offer some restrictions on well drilling for potable water but nothing in the City Code would require connections within the system. Staff felt it would protect the City's water system if there were a requirement for connections on the water side and a prohibition against installing and drilling wells. Staff felt it would protect the water system from cross-connection issues and preserve the integrity of the economic status of the water system. The City had paid for the water system to be improved and available to people so they felt requiring connections and account holders would be in the best interest of the City. What she had drafted would be similar to the ordinances on the sewer side for septic systems. It would be to require a water connection. The property must be developed and within 200 feet of an available waterline. The water pressure must also be adequate for that user. In those instances, a City water connection would be required. The ordinance would give the City the ability to enforce it. Initially she had proposed in the ordinance an availability fee for well users who were already in existence. Several members of Council advised her they felt it would be better to allow the users who had wells that had been properly permitted and that were in good working condition at the present to be able to continue doing that without paying the availability fee, which was the flat rate fee. She had made some changes to her original proposal after hearing from some members of Council to remove that fee and to just allow those property owners to continue using the wells if they were in good condition and properly permitted by Rockingham County. She could go over those changes or answer any questions.

Council Member Ellis asked that she address a couple of the changes she had made.

Ms. Gilley asked Council to go to the ordinance she drafted that had been sent out and put on the website. The new wording was in red. She directed Council to 16-46 (B), second paragraph. It would read “with exception to subsection (A) and (B), a property owner who is currently using a private well that has been properly permitted and is in good working condition may continue to do such until at such time as the Rockingham County Health Department deems that the well system has failed.” She explained this would strike out the minimum periodic service charge that was in there. The ordinance would continue to read “at such time the property owner shall follow the procedure set forth in subsection (A) and (B).” Staff recommended Council enact the amended ordinance for the water system.

Council Member Nooe asked what the wording on pressure was.

Ms. Gilley said that wording was actually a fairly new requirement from the state statutes that if a municipality was going to place restrictions on well drilling, the City would be required to provide adequate pressure for a water connection.

Council Member Nooe said the question became what the definition of adequate was. He asked if someone would be able to drill a well if they needed 100 psi and the City could only provide 50, which was adequate for most residential uses.

Ms. Gilley advised it was defined in the state statutes. It gave the adequate pressure.

Council Member Nooe asked if it was 30 psi.

Ms. Gilley said it was the state requirement, which she did not know right off. She could copy the state requirement into the ordinance if Council wanted or she could just reference the statute. She said what the City would normally do would be to follow the state minimum requirement so they were not required to provide anything additional.

Council Member Nooe said he thought that was 30 psi but was just wondering.

Ms. Gilley located the statute online and said adequate water pressure was defined as the average water pressure delivered to all connected customers within a one-quarter mile radius in either direction of the owner’s point of connection. Basically, it depended on where someone was.

Council Member Moore asked how many wells people were using inside the City currently.

Ms. Gilley said she did not think there were a lot and she did not think the City had a record of them. She did think the County would because they were in charge of permitting them.

Council Member Moore asked how the City would know if they were permitted, and if the County was going out on a regular basis.

Ms. Gilley said the City did not know.

Council Member Moore said there needed to be some consistency there.

Ms. Gilley agreed and said she thought that was why the septic portion had been in the ordinance. On the septic side, people called when they had issues because they did not know they were on septic for the most part. They thought they were on sewer, at which point a crew went out and determined they were on septic. She did not think there would be as many wells as there were septic tanks. Septic tanks were hidden and wells were visible so people knew if they were on one. She thought that was why it had not been a problem before now. Staff wanted to be consistent on both sides and be able to advise people who asked questions about it.

Council Member Moore said those who had irrigation systems had to go through the backflow test every year. The City wanted to avoid the cross contamination in the lines. They needed to be careful that it did not happen.

Ms. Gilley said she asked Special Projects Manager Terry Shelton about it and he was in favor of having it in place because it would help issues with cross connections. Wells and unpermitted issues did arise with that and it was dangerous and a safety issue.

Council Member Underwood asked how long a resident would have to get in compliance if the county deemed a well was failing.

Ms. Gilley said the ordinance would say 180 days.

Council Member Underwood asked how much the availability fee would have been.

Ms. Gilley said it was the flat rate.

Ms. McMichael advised it was \$12.85 per residential customer per month.

Council Member Underwood asked if a resident would have a chance to get a well in compliance if it failed, or if they would have to go ahead and tap on to the City system.

Ms. Gilley said they would be under grandfather status so if they could get it into compliance, it would be until the county determined that it was not.

Ms. Stultz said if it failed, the City's chief inspector would get involved.

Council Member Nooe said they would not be able to drill a new well, the old well would be adequate or they would tap on.

Ms. Gilley said that was correct. It would be however the county determined the permit, a permit for a new well would not be allowed and that was how the ordinance would read.

Council Member Ellis asked if that would apply to businesses as well.

Ms. Gilley answered yes.

Mayor Hall said he hoped Council could vote on the ordinance as amended, as Ms. Gilley was going to amend the proposed ordinance.

Ms. Gilley said that was correct.

A motion was made by Council Member Ellis to adopt an amended ordinance (per the discussion) to amend Chapter 16: Utilities of the City Code. Council Member Underwood seconded the motion. All members voted in favor of the motion. The motion carried 7-0.

§ 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 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 properly permitted private well in good working condition, may continue to do such until such time as the Rockingham County Health Department deems 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 (B). 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.*

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. He wanted to add two late arriving matters. He thanked Fire Chief Chris White and Firefighter Wesley Priddy for developing a public information outreach campaign in-house saving a lot of dollars with a coloring book for children they were disseminating. It represented further innovation in that department trying to do public information and education for fire prevention. The second item had come up in the last 30 days or so – he recognized Police Chief and Assistant City Manager Clint Simpson who was retiring at the end of the month. He thanked him for his service. The City had good employees who did a great job every day. Chief Simpson had worked closely with Mr. Mendenhall and he thanked him for his friendship and fellowship. He wished him the best as he moved on into the next chapter of his life in retirement.

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

City Manager's Report September 2023

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-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 order. 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.

CONSENT AGENDA:

- a. Approval and adoption of the August 15, 2023 regular Council meeting minutes.

b. Approval and adoption of a resolution to apply for additional funding for the North Basin project.

Utilities Manager Melinda Ward wrote in a memo: 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.

Deanna Hunt, City Clerk

c. Approval and adoption of Budget Amendment #1.

Assistant Finance Director Amy Winn wrote in a memo: The attached budget amendment appropriates fund balance from the Runabout Travel Fund to cover Senior activity expenditures.

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

d. Approval and adoption of Budget Amendment #2.

Ms. Winn wrote in a memo: 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.

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

e. Approval and adoption of a resolution of tentative award to Synagro for the North Basin project cleanout.

Ms. Ward wrote in a memo: 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, THEREFORE, 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 Council Member Moore, seconded by Council Member Kirkman, the above RESOLUTION was unanimously APPROVED, ADOPTED AND EFFECTIVE this 19th day of September, 2023.

By: Neville Hall, Mayor
Attest: Deanna Hunt, City Clerk

f. Approval and adoption of a resolution to apply for funding for the Kings Highway rehabilitation project.

Special Projects Manager Terry Shelton wrote in a memo: 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 an 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 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

A motion was made by Council Member Moore to approve the consent agenda. Council Member Kirkman seconded the motion. All members voted in favor of the motion. The motion carried 7-0.

ANNOUNCEMENTS:

Mayor Hall thanked Marketing & Special Events Manager Cindy Adams and all the staff who made RiverFest, from every report he had heard, the best they had ever had. He asked Ms. Adams to read a letter she had received that was quite an impressive recognition. He noted that the first item on the City Manager's Report was a list of the corporate sponsors. He urged that people pick that up and show their appreciation to those sponsors. He told Ms. Adams she did a great job .

Ms. Adams said the letter was from Kris Robbins, a past president of the North Carolina Festivals Association. She read the letter:

“Dear Cindy – I want to compliment you on an excellent festival. I have seen this event grow and mature into what I would call one of the top median festivals in the state, if not the East Coast. You have covered everything and thought of everything and yet you expand on it. I love the stagecoach area, it was fantastic, and it's one of the areas festivals have started failing, a cultural historic area. Good job. I dare say I've been at a thousand festivals so tell your board or council I know what I'm talking about when you share this with them. Also, submit your posters and media to the festival association for upcoming awards. Put something in every category. Thanks for letting us be a part of it.”

Council Member Underwood asked if she knew how many people attended.

Ms. Adams said staff should know in a few days through the placer.ai software. They were guesstimating, and she hoped it was more, that there were 20,000 attendees over the two days. The festival had 17,700 in 2022 and they knew the numbers were much greater than that. In the next edition of Eden's Own Journal, she had a thank you document that spanned three pages to share. It took an army to do it and she hoped she did not leave anyone out. It was outstanding and had a good feel about it. The weather was good, vendors were excellent, food was great, volunteers were wonderful and sponsors were top notch. It was great and she thanked Council for their support.

Mayor Hall noted it was Chief Simpson's last meeting as he would retire October 1 after serving Eden for 28 years. The City was grateful for his dedication to the job and wished he and his family well as he started his new journey as a retiree. He still had a home at the City and Mayor Hall told him not to be a stranger.

Council Member Ellis said Prowlers football would be held Saturday at Morehead High School.

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