

**EDEN CITY COUNCIL
REGULAR MEETING AGENDA
NOVEMBER 21, 2023 at 6 p.m.
Council Chambers, 308 E. Stadium Drive**

1. Meeting called to order by: Neville Hall, Mayor
2. Invocation: Pastor Leroy Valentine, Ambassadors for Christ Ministries
3. Pledge of Allegiance: Led by Eden Prowlers
4. Recognitions: Prowlers football program championships
5. Roll Call
6. Set Meeting Agenda
7. Public Hearings:
 - a. Consideration to adopt an ordinance closing an unopened portion of Burr Lane.
Kelly Stultz, Planning & Community Development Director
8. Requests and Petitions of Citizens
9. Unfinished Business:
 - a. Consideration of appointments to Boards and Commissions.
Kelly Stultz, Planning & Community Development Director
10. New Business:
 - a. Consideration to adopt the re-codified Code of Ordinances. **Erin Gilley, City Attorney**
 - b. Introduction and reports on social districts.
**Erin Gilley, City Attorney; Kelly Stultz, Planning & Community Development Director;
Ken White, Main Street Manager**
 - c. Consideration to adopt an ordinance for the demolition of a residential structure at 1008 Maryland Avenue under Article 9, Building Maintenance Standards Unified Development Ordinance.
Kelly Stultz, Planning & Community Development Director
 - d. Consideration to adopt an ordinance for the demolition of a residential structure at 1607 E. Meadow Road under Article 9, Building Maintenance Standards of the Unified Development Ordinance.
Kelly Stultz, Planning & Community Development Director
 - e. Consideration to adopt an ordinance for the demolition of a residential structure at 626 Spring Street under Article 9, Building Maintenance Standards of the Unified Development Ordinance.
Kelly Stultz, Planning & Community Development Director
 - f. Consideration to adopt an ordinance for the demolition of a residential structure at 722 Morgan Road under Article 9, Building Maintenance Standards of the Unified Development Ordinance.
Kelly Stultz, Planning & Community Development Director

11. Reports from Staff:
 - a. City Manager's Report. **Jon Mendenhall, City Manager**
12. Consent Agenda:
 - a. Approval and adoption of the (1) October 17 and (2) November 2 Council meeting minutes. **Deanna Hunt, City Clerk**
 - b. Approval to adopt an order of collection for nuisance abatement fees to be collected as delinquent property taxes. **Kelly Stultz, Planning & Community Development Director**
 - c. Approval to confirm the amount of the indebtedness of demolition costs to be collected in the same manner as special assessments. **Kelly Stultz, Planning & Community Development Director**
 - d. Adoption of an amendment to Eden's FEMA-approved hazard mitigation plan. **Kelly Stultz, Planning & Community Development Director**
13. Announcements
14. Adjournment



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: **Public Hearing – SC-23-02 – Closing an Unopened Section of Burr Lane**
Date: November 9, 2023

At the October 17, 2023, regular meeting, the Council adopted a Resolution of Intent to Close an unopened section of Burr Lane. The Council also scheduled this public hearing to hear comments on the alley/street closing request filed by James R. Walker, Anne J. Walker, Barney W. Walker, Jr., Matthew B. Higgs, William J. Reynolds, James Wilson and Fred L. Reynolds.

The Planning and Community Development Department recommends approval of the alley/street closing. At their September 26, 2023, regular meeting, the Planning Board voted to recommend approval of the alley/street closing.

AN ORDINANCE AND ORDER
TO CLOSE AN UNOPENED SECTION OF BURR LANE

WHEREAS, on the 12th day of July, 2023, James R. Walker, Anne J. Walker, Barney W. Walker, Jr., Matthew B. Higgs, William J. Reynolds, James Wilson and Fred L. Reynolds filed a petition, by the terms of which they requested that an unopened section of Burr Lane be closed pursuant to the provisions of Chapter 13, Division 3 of the Eden City Code and North Carolina General Statutes §160A-299; and

WHEREAS, the City Council of the City of Eden, did on the 17th day of October, 2023, at its regular monthly meeting adopt a Resolution of Intent to Close An Unopened Section of Burr Lane calling for a public hearing to be held; and

WHEREAS, the City Council of the City of Eden, did on the 17th day of October, 2023, at its regular monthly meeting, schedule a public hearing to be held on the 19th day of November 2023, and requested a recommendation of the Planning Board on said closing; and

WHEREAS, the required legal notice was published in the Rockingham Now on the 25th of October, 2023, and on the 1st, 8th and 15th day of November, 2023, and copies were sent to the property owners as required by law on the 31st day of October, 2023, and copies were posted on the 23rd day of October, 2023, as required by law; and

WHEREAS, the Planning Board at a regular meeting on September 26, 2023, recommended to the City Council that said unopened section of Burr Lane be closed; and

WHEREAS, the public hearing was held at the regular monthly meeting of the City Council on the 21st day of November, 2023; and

WHEREAS, the evidence offered at the public hearing did not establish that the closing would be detrimental to the public interest or would deprive an individual or entity owning property in the vicinity thereof of reasonable means of ingress and regress to and from his property; and

WHEREAS, it appears to the satisfaction of and it is determined by the City Council of the City of Eden from the Petition and other evidence submitted at said hearing that:

James R. Walker, Anne J. Walker, Barney W. Walker, Jr., Matthew B. Higgs, William J. Reynolds, James Wilson and Fred L. Reynolds are the owners of the properties on each side of the unopened section of Burr Lane which is to be closed.

That said unopened section is not under the control or supervision of the Department of Transportation.

That the closing of an unopened section of Burr Lane is not contrary to the public interest and that no individual or entity owning property in the vicinity thereof will thereby be deprived of reasonable means of ingress and regress to or from his property.

That upon the closing of said unopened section of Burr Lane, all right, title and interest therein shall be conclusively presumed to be vested in James R. Walker, Anne J. Walker, Barney W. Walker, Jr., Matthew B. Higgs, William J. Reynolds, James Wilson and Fred L. Reynolds, the owners of the lots or parcels of land adjacent thereto.

That it appears that the provisions of the Eden City Code and the North Carolina General Statutes have been complied with fully in this matter.

That said unopened section of Burr Lane should be closed as requested.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Eden, that the following described unopened section of Burr Lane in the City of Eden be and the same is hereby closed, said unopened section of Burr Lane being more particularly described as follows:

Being all of that 30 foot right of way known as an unopened portion of Burr Lane and shown on a plat of survey for Irvin River Hts. – S.E. Section, surveyed by W. B. Trogdon, C.E. for Spray Water Power & Land Co. and Supplemental Surveys by W. T. Combs recorded in Map Book 7, page 119 in the Office of the Register of Deeds for Rockingham County, N.C.; the right of way being south of Lots 2, 4, 6, 8, 10 and 12, Section 1 and north of Lots 33 and 34, Section 2 as shown on aforementioned plat; said 30 foot right of way also being shown on the attached sketch.

IT IS FURTHER ORDERED that in the event there is no appeal from the adoption of this Ordinance and Order within thirty (30) days of the date hereof as provided by law, a certified copy of this Ordinance and Order shall be recorded in the Office of the Register of Deeds of Rockingham County, North Carolina.

APPROVED, ADOPTED AND EFFECTIVE, this 21st day of November, 2023.

CITY OF EDEN

BY: _____
Neville A. Hall, Mayor

ATTEST:

Deanna Hunt, City Clerk

(SEAL)



W MEADOW RD

RAMP

To Be Closed

JACKSON ST

N VAN BUREN RD

RAMP

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116

116

110

242

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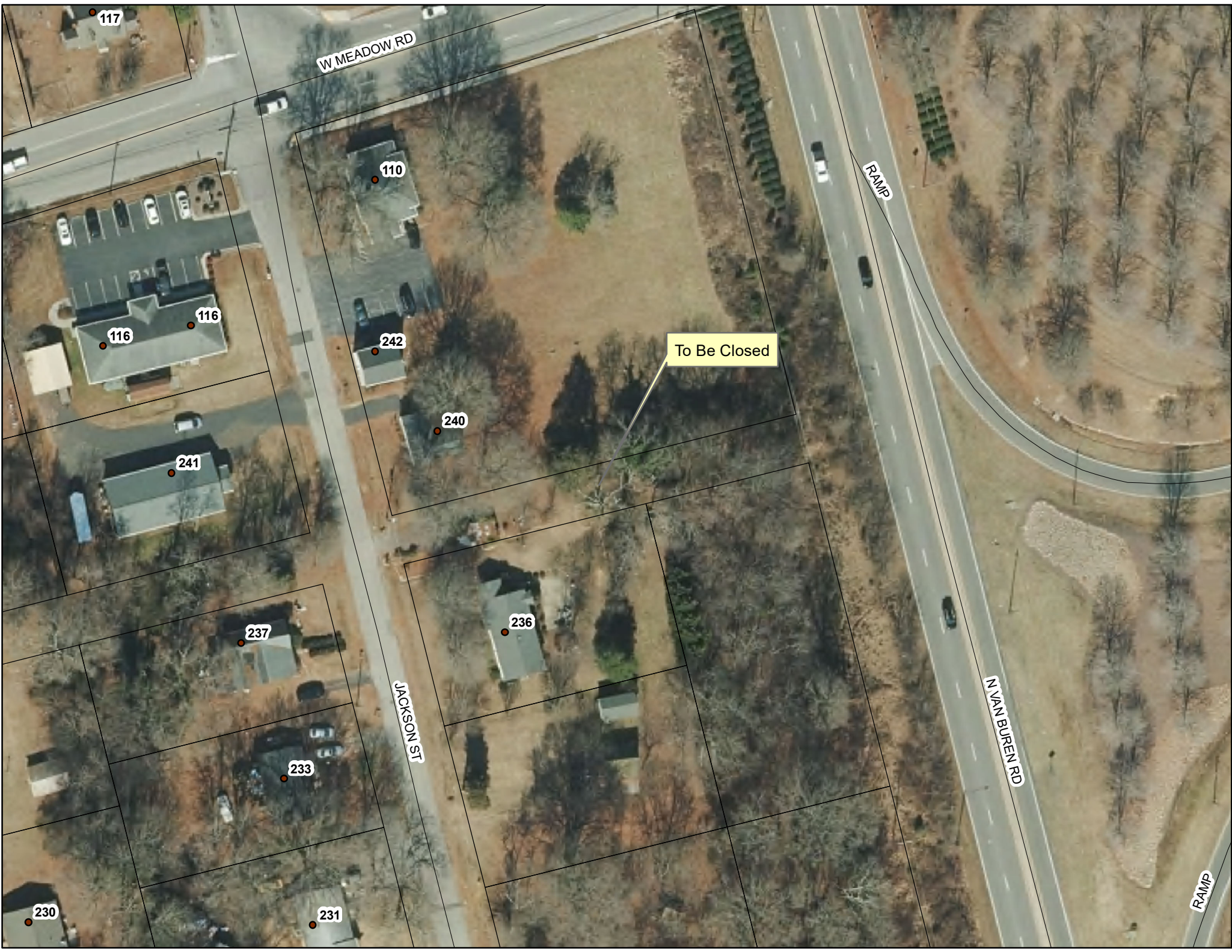
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W MEADOW RD

RAMP

To Be Closed

JACKSON ST

N VAN BUREN RD

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To Be Closed

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JACKSON ST

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To Be Closed

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JACKSON ST

N VAN BUREN RD

RAMP



Planning & 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: **2024 Boards and Commissions Appointments**
Date: November 9, 2023

The following seats on the City Boards and Commissions are up for appointment or reappointment in 2024. 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 (Wood)

Tree Board – Leslie Wyatt (Newly Appointed, Term Expired, Re-Appoint in December)

Ward 2 Councilman Nooe

Community Appearance – Martha Corum (Resigned)

Ward 3 Councilman Kirkman

Historic Preservation – Beth Pulliam (Term Expired)
 Tree Board – Jim Ivie (Term Expired)

Ward 4 Councilman Epps

Historic Preservation – Louise Price (Term Expired)
 Planning Board – Fred Ramsey (Term Expired)

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

Planning Board – Steve Morgan (Term Expired)

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

<u>Board</u>	<u>Day</u>	<u>Time</u>
Board of Adjustment	1st Thursday each month When required by applications	5:30 pm

Community Appearance Commission	1st Tuesday each month	5:30 pm
Historic Preservation Commission	2nd Monday each month	5:30 pm
Planning Board	4th Tuesday each month	5:30 pm
Tree Board	3rd Monday of each month	Noon

CITY OF EDEN – MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL

THRU: JON MENDENHALL, CITY MANAGER

FROM: ERIN GILLEY, CITY ATTORNEY

DATE: NOVEMBER 8, 2023

SUBJECT: THE CODIFICATION OF THE CITY CODE OF ORDINANCES WITH AMERICAN LEGAL PUBLISHING

City Staff has engaged American Legal Publishing Corporation to codify our City Code of Ordinances so that it is available digitally and in hard copy to all staff, Council and the public, including accessibly to persons with disabilities.

American Legal has completed a comprehensive review of the entire code and proffered minor changes, such as updated citations, and formatting changes that make the code easier to read and interpret. In this process, Staff has taken the opportunity to update outdated regulations and areas of the Code that need updating.

Staff is pleased to present you with an updated Code that can be put online with this publisher. The Council has already authorized the agreement with the company that will authorize the constant update of all amendments to the Code, so that the most current version of the Code will be available to the public as soon as possible.

For your review and adoption is this comprehensive updated Code. Attached digitally is a redline version of all changes approved by Staff. The substantive changes are addressed below:

The General Assembly recently enacted a criminal justice reform bill, Senate Bill 300 which limited a municipality's ability to impose criminal penalties on a number of ordinances. I have reviewed the entire Code with this Bill in mind and have made changes to the enforcement provisions of many of the chapters. The original Code had a "defacto approach" to criminal penalties, meaning that any violation of any ordinance was automatically a class 3 misdemeanor. This is now not authorized by General statute. Chapter 1 had to be revised to take out the reference to general penalties. In addition, when the city had the authority to impose criminal penalties, the ordinance had to specifically designate this. The areas in which the General Assembly divested the authority to impose criminal penalties, the Code was revised to remove these and impose only the civil penalties. You will see all these changes in red text. Many of these instances occurred in Chapter 7, Licenses, Permits and Business Regulations. The criminal reform bill emphasized an intent to not impose criminal penalties on businesses or trades. Chapters 3, 5, 6, 7, 8, 12 and 13 were revised for enforcement implications.

Chapter 2 contains a substantive change in which the value of the City Manager's authority to dispose of property has been increased from \$5,000 to \$30,000. This follows another change in

state statute. In addition, due to several chapters being moved to the Unified Development Ordinance, we have changes or “gaps” in the numbering. As a result, we have moved Chapter 16, Utilities to Chapter 15. Chapter 16 will now be reserved, as is 17, 18 and Chapter 4.

As stated above there is a redlined version and a clean copy for your review. Staff recommends that you approve this comprehensive amendment to the City Code of ordinances.

Please contact me if you should have any questions or concerns.

CITY OF EDEN – MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL

THRU: JON MENDENHALL, CITY MANAGER

FROM: ERIN GILLEY, CITY ATTORNEY, KELLY STULTZ, PLANNING AND COMMUNITY DEVELOPMENT, KENNITH WHITE, ECONOMIC DEVELOPMENT SPECIALIST

DATE: NOVEMBER 7, 2023

SUBJECT: REPORT ON SOCIAL DISTRICT

The City Council requested the City Staff to prepare a report on a proposed Social District for the Leaksville Business district. Based upon this request, Staff has prepared a Power Point Presentation to provide an understanding of the history of the Social District legislation and how a Social District has worked in other areas of the state.

A draft ordinance and a draft Management and Operations Plan has also been prepared and are attached for your review. These has been prepared to show you how a Social district would work in the Leaksville area should you decide to enact one.

A map that designates boundaries will have to be drawn and approved by Council as well. This map has not been drawn yet, as the Staff would like this map to be driven by the local businesses in the area.

If Council directs the Staff to proceed with the development of the Social District, Staff would like for the EDDI and all Leaksville area businesses to weigh in and participate in the creation of the District's rules and operations. Given the desire for public participation, the tentative framework for this project is to include merchant's meetings to designate whether businesses will want to participate in the district. This will include restaurants that serve alcohol, as well as businesses that will want to allow customers to bring alcohol inside their stores during the Social district hours.

Because this Social district will inevitably create a need for additional City resources, City staff will be asked to prepare a report to Council on these additional needs and costs. All of the foregoing will be compiled and presented to Council with a call for adoption at a public hearing, tentatively scheduled for February.

Please contact me if you should have any questions or concerns.

MAINTENANCE AND OPERATIONS PLAN

Introduction

On September 8, 2021, Session Law 2021-150 was ratified, allowing local governments to establish “Social Districts’ within their jurisdictions. On July 7, 2022, Session Law 2022-49 was signed into law, clarifying the original social district legislation. These Social Districts allow for common areas where licensed establishments (e.g., bars, breweries, restaurants) may sell alcoholic beverages in designated containers to be taken into the common area for consumption. The City of Eden (the “City”) has established such a Social District, designated “The Leaksville Social District”.

In the plan that follows, the management and maintenance of The Leaksville Social District is outlined. The plan will be submitted to the North Carolina ABC Commission and placed on the City’s website.

Management The Leaksville Social District will be managed by the City of Eden, including the City Police Department, City Public Works Department, City Planning and Community Development.

Participating Businesses with ABC Permits

ABC Holders adjoining the District shall apply for a license agreement with the City providing their consent to abide by the rules, regulations, and requirements promulgated by the City, the ABC Commission, and ABC statutory requirements. There is no fee to apply for a license agreement with the City. Participating businesses must receive written confirmation and approval from the City prior to selling beverages to be consumed within the social district. ABC Permittee holders may apply for the License Agreement on the City website at <https://www.cityofeden.com/abc>.

Participating Businesses (No ABC Permit) Businesses without an ABC permit may participate in the social district by allowing alcoholic beverages purchased and possessed in accordance to this plan and the Social District Ordinance to be consumed in their businesses. Participating businesses that are not selling alcoholic beverages are not required to apply for a License Agreement with the City.

In accordance with NCGS § 18B-300.1(d)(4), the City will develop and approve uniform signs in electronic format indicating that a non-permittee business is included in the social district and allows alcoholic beverages on its premises during the days and hours of social district operations. Participating non-permittee businesses are solely responsible for all printing and placement of required signs. A participating non-permittee business shall display the uniform sign at all times during the times when the social district is active. A customer may not bring an alcoholic beverage into a non-permittee business that does not display the uniform sign. No non-permittee business shall be required to participate or be included in a social district or to allow customers to bring alcohol onto its premises.

Uniform signs can be accessed on the City website at _____.

District Boundaries The Leaksville Social District boundaries are shown on page ____ of this document. Notwithstanding the map, all City of Eden publicly owned and operated parking areas will be excluded from the Leaksville Social District. These parking areas are clearly designated on the map of the Social District and signage shall be posted.

Operations The Leaksville Social District will operate between the hours of 5:00 pm and 11:00 pm Thursday and Friday, and between the hours of 12:00 am and 11:00 pm on Saturday and between the hours of 1:00 pm and 8:00 pm on Sunday.

District Designation and Logo The Leaksville Social District logo draws upon the local and historical asset of _____. Boundaries of the social district will be clearly marked with signs affixed to all entrance/exit points.

Rules & Regulations

Sale of Alcoholic Beverages: Business selling alcoholic beverages for consumption within the social district shall comply with the following rules:

1. The business shall only sell alcoholic beverages on its licensed premises.
2. The business shall only sell alcoholic beverages for consumption in a social district container that meets the requirements in the following section.
3. The business shall not allow a person to enter or reenter their licensed premises with an alcoholic beverage not sold by the permittee.
4. The business shall only sell alcoholic beverages for consumption within the social district during the days and hours set forth in this plan and the social district ordinance.

Alcoholic Beverage Containers: Alcoholic beverages sold for consumption in public areas within the social district may only be sold in and consumed from containers that meet the following requirements:

1. The container clearly identifies the permitted business from which the alcoholic beverage was purchased.
2. The container clearly displays the Leaksville Social District logo and a statement that reads "Drink Responsibly - Be 21." in no less than 12- point font.
3. The container is not made of glass.
4. The container does not exceed 16 fluid ounces.

Possession and Consumption of Alcoholic Beverages: Persons consuming alcoholic beverages within the social district shall abide by the following rules:

1. Only alcohol purchased from a permitted business within the social district and that is in the approved social district container may be consumed within the social district.
2. Alcoholic beverages may not be carried into any non-participating businesses within the social district.
3. Alcoholic beverages must be disposed of before a person leaves the social district.

4. A person shall not consume alcohol in any public area within the social district except during the days and hours set forth in this policy and in the social district ordinance.

Financing

The City of Eden will fund the costs of establishing and managing the Leaksville Social District, including clearly defining the district boundaries and posting conspicuous signage within the social district. The City will develop and approve the uniform signs in the form of stickers placards or other formats for non-permittee participating businesses; however, the cost of printing and acquisition of these signs will be the responsibility of the individual participating businesses. Likewise, the City will develop and approve the logo that is unique to the social district to be displayed on the containers required for alcoholic beverages; however, the cost of the containers and printing and acquisition of the logos will be the responsibility of the ABC permittees within the District.

Security and Enforcement

Security and enforcement in the social district will be provided by the City of Eden Police Department. EPD will enforce the provisions of NCGS § 18B300.1 and the Code of Ordinances. A violation of the provisions of NCGS § 18B300.1 is a Class 1 misdemeanor pursuant to NCGS 18B-102(b).

Insurance

The City of Eden is insured for its management and operation of the social district.

Sanitation and Maintenance

The City's Public Works department will provide sanitation services within the district, including trash removal and litter pickup. Trash receptacles will be located at the boundaries of the social district to encourage patrons to properly dispose of their cups and unconsumed alcohol.

Marketing and Promotion

Marketing and promotion of the social district will be a joint effort between the City and ABC permitted establishments in or adjacent to the Social District.

LOGO

SOCIAL DISTRICT BOUNDARY MAP

AN ORDINANCE AMENDING
THE CITY CODE
OF THE CITY OF EDEN

WHEREAS, the North Carolina General Assembly enacted legislation in 2021 and clarifying legislation in 2022 allowing municipalities to designate social districts within their jurisdiction to allow alcoholic beverages sold by licensed premises to be consumed within the district, outside of the establishment where the beverage was purchased; and

WHEREAS, the City of Eden, **the downtown Leaksville Merchants Association and the Eden Downtown Development Inc.**, have worked together to propose a social district in the **Leaksville commercial district**; and

WHEREAS, the aforementioned community partners believe that a social district is a valuable tool to increase economic activity and the vibrancy of the **Leaksville commercial district**; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL of the City of Eden, North Carolina, that Chapter 13 of the Eden City Code is amended to add subsection C to § 13 -9 as follows:

§ 13-9 CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY.

It shall be unlawful for any person to consume alcoholic beverages on property owned or occupied by the City except as provided below:

C. Pursuant to a Social District created and regulated under the authority of NC GS § 160A-105.4, NC GS 18B- 300.1 and this Article of the City of Eden Code.

1. Purpose and Intent

(A) Pursuant to the provisions of NCGS §160A-205.4, et seq., one or more social districts may be created within the City and the City hereby creates and designates the following social district: **The Leaksville Social District** which is designated as shown on a map dated _____; the map is available in the Office of the City Clerk, and signage and/or markings shall be posted clearly delineating the boundaries of the Social District. Notwithstanding the map dated _____, all City of Eden publicly owned and operated parking areas will be excluded from the **Leaksville Social District**. These parking areas will be clearly designated on the map of the Social District and signage shall be posted.

(B) **The Leaksville Social District** shall be created, designated, and managed in accordance with the requirements contained in G.S. §160A-205.4 and Chapter 18B.

(C) Any person who violates this subchapter, and any person who aids, abets, encourages, assists in, or contributes to such violation, shall be guilty of a misdemeanor in accordance with existing and applicable laws set forth by the State of North Carolina and ordinances in the City of Eden.

2. Definitions. For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“CUSTOMER.” A person who purchases an alcoholic beverage from a permittee that is in a social district.

“NON-PERMITTEE BUSINESS.” A business that is located in a social district and does not hold any ABC permit.

“PERMITTEE.” A person holding any of the following ABC permits issued by the North Carolina Alcoholic Beverage Control Commission established under GS § 18B-200:

- i. An on-premises malt-beverage permit issued pursuant to GS § 18B-1001(1).
- ii. An on-premises unfortified wine permit issued pursuant to GS § 18B-1001(3).
- iii. An on-premises fortified wine permit issued pursuant to GS § 18B-1001(5).
- iv. A mixed beverages permit issued pursuant to GS § 18B-1001(10).
- v. A distillery permit issued pursuant to GS § 18B-1100(5).

“PERSON.” An individual, firm, partnership, association, corporation, Limited Liability Company, other organization or group, or other combination of individuals acting as a unit.

“PREMISES.” A fixed permanent establishment, including all areas inside or outside the permitted establishment, where the permittee has control through a lease, deed, or other legal process.

“SOCIAL DISTRICT.” A defined area in which a person may consume alcoholic beverages sold by a permittee. A social district may include both indoor and outdoor areas of businesses within or contiguous to the defined area during the days and hours set by the local government by ordinance pursuant to subsection (d) of this section. A social district may include privately owned property, including permittees and non-permittee businesses, and multi-tenant establishments, as defined in G.S. 18B-1001.5, and public streets, crosswalks, or parking areas whether or not the streets or parking areas are closed to vehicle traffic.

3. Application.

(A) The provisions and terms contained in this subchapter shall be applicable between the hours of 5:00 pm and 11:00 pm Thursday and Friday, and between the hours of 12:00 am and 11:00 pm on Saturday and 1:00 pm and 8:00 pm on Sunday. At all other times, the provisions and terms contained in this subchapter are not in effect and all provisions of State and local laws concerning the possession and consumption of alcohol shall be in full force and effect.

(B) Any alcoholic beverage purchased for consumption in **The Leaksville Social District** shall (i) only be consumed in **The Leaksville Social District** and (ii) be disposed of before the person in possession of the alcoholic beverage exits **The Leaksville Social District** unless the person is reentering the licensed premises where the alcoholic beverage was purchased. A violation of this section is a Class 3 misdemeanor.

4. Requirements for sale of alcoholic beverages.

A permittee located in or contiguous to **The Leaksville Social District** may sell alcoholic beverages for consumption within **The Leaksville Social District** it is in located in or contiguous to in accordance with the following requirements:

(A) The permittee shall only sell and serve alcoholic beverages on its licensed premises.

(B) The permittee shall only sell alcoholic beverages for consumption in **The Leaksville Social District** in a container that meets the following requirements:

i. The container clearly identifies the permittee from which the alcoholic beverage was purchased.

ii. The container clearly displays a logo or some other mark that is unique to **The Leaksville Social District**.

iii. The container is not comprised of glass.

iv. The container displays, in no less than 12-point font, the statement, "Drink Responsibly – Be 21."

iv. The container shall not hold more than 16 fluid ounces.

(C) The permittee shall not allow a person to enter or reenter its licensed premises with an alcoholic beverage not sold by the permittee.

5. Requirements for possession and consumption of alcoholic beverages.

The possession and consumption of an alcoholic beverage in **The Leaksville Social District** is subject to all of the following requirements:

(A) Only alcoholic beverages purchased from a permittee located in or contiguous to **The Leaksville Social District** may be possessed and consumed.

(B) Alcoholic beverages shall only be in containers meeting the requirements set forth in PREVIOUS SECTION of this subchapter.

(C) Alcoholic beverages shall only be possessed and consumed during the days and hours set forth in APPLICATION SECTION of this subchapter.

(D) Nothing in this subdivision shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in GS §18B-1010.

(E) A person shall dispose of any alcoholic beverage in the person's possession prior to exiting **The Leaksville Social District** unless the person is reentering the licensed premises where the alcoholic beverage was purchased.

(F) A violation of this section is a Class 3 misdemeanor.

6. Responsibilities of Non-Permittee Businesses.

A non-permittee business that is part of a social district and that allows customers to bring alcoholic beverages onto its premises shall not be responsible for enforcement of this Chapter. All non-permittee businesses that are part of a social district and that allow customers to bring alcoholic beverages onto their premises shall clearly post signage on any exits that do not open to the social district indicating that alcoholic beverages may not be taken past that point. During the days and hours when the social district is active, a non-permittee business that allows customers to bring alcoholic beverages onto its premises shall allow law enforcement officers access to the areas of the premises accessible by customers.

7. Exceptions. When a special event is held pursuant to the issuance of a special event permit, the terms of the special event permit supersede the provisions of this subchapter within the boundaries of the special event. Any alcohol purchased within the boundaries of the special event may not be taken outside of the special event, even if the alcohol is to be taken from the boundary of the special event into the boundary of the Social District.

8. Severability. If any section, phrase, sentence, or portion of this subchapter is held void, invalid, unconstitutional, or unenforceable for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remains portions thereof.

APPROVED, ADOPTED AND EFECTIVE, this ____ day of _____ 2023.

CITY OF EDEN

By: _____
Neville Hall Mayor

ATTEST:

Deanna Hunt, City Clerk



Planning and Community Development Department

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

MEMO

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Kelly K. Stultz, AICP, Director
Subject: **Affirmative Maintenance/1008 Maryland Avenue**
Date: November 8, 2023

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. Two (2) bids were submitted to this department as follows:

Big Dawg Construction LLC	\$ 8,800.00
The Menher Group	\$16,000.00

Staff recommends that *Big Dawg Construction LLC* be awarded the bid for the demolition of the house with the lowest bid being in the amount of \$8,800.00.

Once the demolition is done at the City's expense, actions can be taken to recoup the funds in the same manner as the collection of special assessments. Special assessments are a lien only on the property in question. That means the best remedy available to us is foreclosure. There is no guarantee that these funds can be recovered.

L. FAILURE TO COMPLY WITH ORDER; OWNER

1. If the owner fails to comply with an order to repair, alter or improve the dwelling, the Administrator may:
 - a. Cause such dwelling to be repaired, altered or improved, and pending such repairs, alterations or improvements, may order such dwelling vacated and closed.
 - b. Cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor.
2. If the owner fails to comply with an order to remove or demolish the dwelling, the Administrator may:
 - a. Cause such dwelling to be vacated and closed, removed or demolished.
 - b. Cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor.
3. The duties of the Administrator set forth in subsections (1) and (2) shall not be exercised until the City Council, by ordinance, shall have ordered the Administrator to proceed to effectuate the purpose of this Article with respect to the particular property or properties which the Administrator shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with this Article. Such ordinances shall be recorded in the office of the Register of Deeds of Rockingham County and shall be indexed in the name of the property owner in the grantor index.
4. If the Administrator shall have issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in this section, and if the dwelling has been vacated and closed for a period of one year pursuant to the order; then if the City Council shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the City Council may, after the expiration of such one year period, enact an ordinance and serve such ordinance on the owner, setting for the following:
 - a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within ninety (90) days; or
 - b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within ninety (90) days.
5. This ordinance shall be recorded in the Office of the Register of Deeds of Rockingham County and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the Administrator shall effectuate the purpose of the ordinance.
6. The amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the Administrator shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment

provided by G.S. Chapter 160D, Article 10. If the dwelling is removed or demolished by the Administrator, he shall sell the materials of such dwelling, and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Superior Court of Rockingham County by the Administrator, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court.

COMPLAINT AND NOTICE OF HEARING BEFORE
HOUSING INSPECTOR UNDER HOUSING CODE

TO: Owners and parties in interest in the property located at 1008 MARYLAND AVENUE of the City of Eden, North Carolina.

MABEL G. DILLARD; all assignees, heirs at law and devisees of MABEL G. DILLARD together with all creditors and lienholders regardless of how or through whom they claim, and any and all persons claiming any interest in the estate of MABEL G. DILLARD, including, but not limited to the following heirs:

Shareef Ali Dillard

YOU ARE HEREBY NOTIFIED that the dwelling unit and/or lot located at the address designated above is in a condition that appears to be unfit for human habitation and to violate the City of Eden Minimum Housing Code in the following ways:

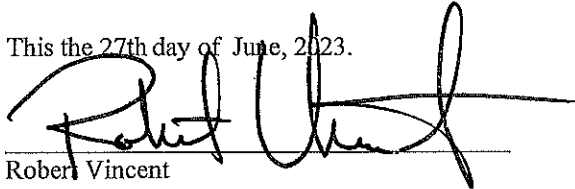
1. Floors or roofs which have improperly distributed loads, which are overloaded, or which have insufficient strength to be reasonably safe for the purposes used.
2. Dilapidation, decay, unsanitary conditions, or disrepair which is dangerous to the health, safety, or welfare of the occupants or other people of the jurisdiction.
3. Defects significantly increasing the hazards of fire, accident or other calamities.
4. Lack of proper electrical, heating, or plumbing facilities required by this Article which constitute a health or definite safety hazard.

YOU ARE FURTHER NOTIFIED that a hearing will be held before the Housing Inspector of the City of Eden at 308 East Stadium Dr. at 9:00 A.M., July 20, 2023 for the purpose of finding the facts as to whether or not the condition of such property falls within the scope of the above mentioned sections of the Housing Code. At the hearing, you shall be entitled to offer such evidence as is relevant to material to the questions sought to be determined or the remedies to be affected.

YOU ARE FURTHER NOTIFIED that if, upon such hearing, the Housing Inspector shall find that the conditions of the above described property do in fact violate the Housing Code, and do in fact render such dwelling unit unfit for human habitation, the Housing Inspector will issue an order in writing directed to the owner of such property requiring the owner to remedy these conditions. The Housing Inspector may make such other orders and take such other procedures as are authorized under the Housing Code and the General Statutes of North Carolina.

Further information as to this matter may be obtained by contacting the undersigned at (336) 623-2110.

This the 27th day of June, 2023.



Robert Vincent
Chief Codes Inspector

FINDING OF FACT AND ORDER

TO: Owners and parties in interest in the property located at 1008 MARYLAND AVENUE, including any accessory structure, of the City of Eden, North Carolina.

MABEL G. DILLARD; all assignees, heirs at law and devisees of MABEL G. DILLARD together with all creditors and lienholders regardless of how or through whom they claim, and any and all persons claiming any interest in the estate of MABEL G. DILLARD, including, but not limited to the following heirs:

Shareef Ali Dillard

The undersigned Housing Inspector of the City of Eden pursuant to law conducted a hearing at the time and place stated in the Complaint and Notice heretofore issued and served, or at a time to which the hearing was continued with previous notice to the above-named owners and parties in interest or their agents or attorneys. At the hearing, the Answer, if any, filed by the owners and parties in interest were carefully analyzed and considered by the undersigned. In addition to other evidence presented, the undersigned personally inspected the property described above, and such inspection and examination has been considered along with the other evidence offered at this hearing.

Upon the record and all of the evidence offered and contentions made, the undersigned Housing Inspector does hereby find the following facts:

1. The above-named owners and parties in interest with respect to the property located at the place specified above were duly served as required by law with written Complaint and Notice of Hearing which set forth the Complaint that the premises located at the above address is unfit for human habitation and violation of the City Minimum Housing Code, and the particulars thereof, and fixed a time and place for a hearing upon the Complaint as provided by law. At the hearing, the following owners, persons in interest or their agents or their agents or attorneys, were present and participated therein: NONE.

2. The premises described above violates the City of Eden Minimum Housing Code, by reason of the conditions found to be present and to exist in and about the structure. The following is a description of conditions:

- A. Floors or roofs which have improperly distributed loads, which are overloaded, or which have insufficient strength to be reasonably safe for the purposes used.
- B. Dilapidation, decay, unsanitary conditions, or disrepair which is dangerous to the health, safety, or welfare of the occupants or other people of the jurisdiction.
- C. Defects significantly increasing the hazards of fire, accident, or other calamities.
- D. Lack of proper electrical, heating, or plumbing facilities required by this Article which constitute a health or definite safety hazard.

3. Due to conditions, the building and or premises described above is found to be in condition within the meaning of the City Minimum Housing Code.

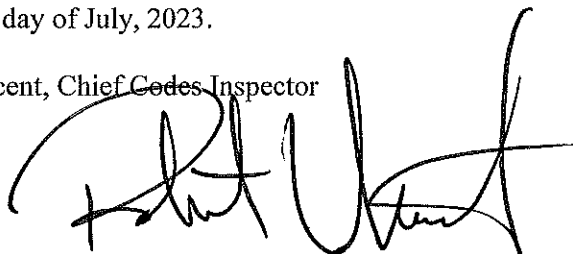
IT IS THEREFORE ORDERED that the owners of the property above are required to bring such property into compliance with the Minimum Housing Code by:

Repairing, altering, improving, or vacating and demolishing the dilapidated structure and cleaning up the premises.

By a date not later than SEPTEMBER 30, 2023.

This the 26th day of July, 2023.

s/Robert Vincent, Chief Codes Inspector

A handwritten signature in black ink, appearing to read "Robert Vincent". The signature is stylized with large, sweeping loops and a prominent vertical stroke on the right side.

**AN ORDINANCE AND ORDER
FOR THE DEMOLITION OF
PROPERTY AT 1008 MARYLAND AVENUE,
CITY OF EDEN, NORTH CAROLINA**

GRANTORS/GRANTEES: City of Eden
 Mabel G. Dillard
 Shareef Ali Dillard

Drawn by and Return to:
Erin B. Gilley
City of Eden
PO Box 70
Eden, NC 27829-0070

AN ORDINANCE AND ORDER
FOR THE DEMOLITION OF
PROPERTY AT 1008 MARYLAND AVENUE,
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 5th day of December, 2022, the Director of the Planning and Community Development Department caused an examination of the dwelling owned by Mabel G. Dillard Heirs, including, but not limited to, Shareef Ali Dillard, at 1008 Maryland Avenue, Eden, North Carolina and found it to be unfit for human habitation, that said property is more particularly described as follows:

BEGINNING at a point in the south line of Maryland Avenue, said point being with the south line of Maryland Avenue North 72 deg. E 200 feet from the southeast corner of the intersection of Maryland Avenue by Hairston Street, and said beginning point also being the northeast corner of the tract originally conveyed to Clyde Leak by deed dated October 28, 1935; thence with the south line of Maryland Avenue, North 72 deg. East 75.1 feet to a new corner; thence parallel with Hairston Street, South 18 deg. East 240.75 feet to a new corner; thence South 72 deg. West 75.1 feet to a point in the rear line of the property just acquired from B. W. Walker, Trustee; thence along the rear line of the property just acquired from B. W. Walker, Trustee, North 18 deg. West 240.75 feet to the POINT OF BEGINNING and embracing a tract of land consisting of approximately 18.080.33 square feet and being a tract of land 75.1 frontage on Maryland Avenue by 240.75 feet which is a part of the western portion of that land recently acquired from B. W. Walker, Trustee designated as Lots 15 and 17, of Section 14, Jamestown Addition, as per map of W. T. Combs, August 15, 1931, and revised July 1, 1945. See Deed Book 545, page 398 and Deed Book 655, page 348.

The above-described property being commonly known as 1008 Maryland Avenue and identified by the Rockingham County Tax Dept. as PIN 7090-09-25-3172 and Parcel No. 111303.

WHEREAS, on the 27th day of June, 2023, the Director caused to be issued a Complaint and Notice of Hearing for the 20th day of July, 2023, which was served on the property owners by first class mail and certified mail, return receipt requested; the certified mail was returned marked "Vacant" 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 28th day of June, 2023; the Complaint and Notice of Hearing was published in the Rockingham Now on July 2, 2023; and

WHEREAS, the hearing was held on the 20th day of July, 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 "Vacant" and "Unable to Forward;" the first-class mail was not returned; the Finding of Fact and Order was posted on the subject property on the 27th day of July, 2023; the Finding of Fact and Order was published in the Rockingham Now on the 2nd day of August, 2023; and

WHEREAS, the Director caused a Notice of Lis Pendens to be filed in the Office of the Clerk of Superior Court for Rockingham County, North Carolina, on the 22nd day of August, 2023; 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 Mabel G. Dillard and Shareef Ali Dillard 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 21st day of November, 2023.

CITY OF EDEN

BY: _____
Neville A. Hall, Mayor

ATTEST:

Deanna Hunt, CMC
City Clerk



Planning and Community Development Department

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

MEMO

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Kelly K. Stultz, AICP, Director
Subject: **Affirmative Maintenance/1607 E. Meadow Road**
Date: November 8, 2023

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. Two (2) bids were submitted to this department as follows:

Big Dawg Construction LLC	\$8,800.00
The Menher Group	\$17,000.00

Staff recommends that *Big Dawg Construction LLC* be awarded the bid for the demolition of the house with the lowest bid being in the amount of \$8,800.00.

Once the demolition is done at the City's expense, actions can be taken to recoup the funds in the same manner as the collection of special assessments. Special assessments are a lien only on the property in question. That means the best remedy available to us is foreclosure. There is no guarantee that these funds can be recovered.

L. FAILURE TO COMPLY WITH ORDER; OWNER

1. If the owner fails to comply with an order to repair, alter or improve the dwelling, the Administrator may:
 - a. Cause such dwelling to be repaired, altered or improved, and pending such repairs, alterations or improvements, may order such dwelling vacated and closed.
 - b. Cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor.
2. If the owner fails to comply with an order to remove or demolish the dwelling, the Administrator may:
 - a. Cause such dwelling to be vacated and closed, removed or demolished.
 - b. Cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor.
3. The duties of the Administrator set forth in subsections (1) and (2) shall not be exercised until the City Council, by ordinance, shall have ordered the Administrator to proceed to effectuate the purpose of this Article with respect to the particular property or properties which the Administrator shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with this Article. Such ordinances shall be recorded in the office of the Register of Deeds of Rockingham County and shall be indexed in the name of the property owner in the grantor index.
4. If the Administrator shall have issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in this section, and if the dwelling has been vacated and closed for a period of one year pursuant to the order; then if the City Council shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the City Council may, after the expiration of such one year period, enact an ordinance and serve such ordinance on the owner, setting for the following:
 - a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within ninety (90) days; or
 - b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within ninety (90) days.
5. This ordinance shall be recorded in the Office of the Register of Deeds of Rockingham County and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the Administrator shall effectuate the purpose of the ordinance.

6. The amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the Administrator shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided by G.S. Chapter 160D, Article 10. If the dwelling is removed or demolished by the Administrator, he shall sell the materials of such dwelling, and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Superior Court of Rockingham County by the Administrator, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court.

COMPLAINT AND NOTICE OF HEARING BEFORE
HOUSING INSPECTOR UNDER HOUSING CODE

TO: Owners and parties in interest in the property located at 1607 E. Meadow Rd. of the City of Eden, North Carolina.

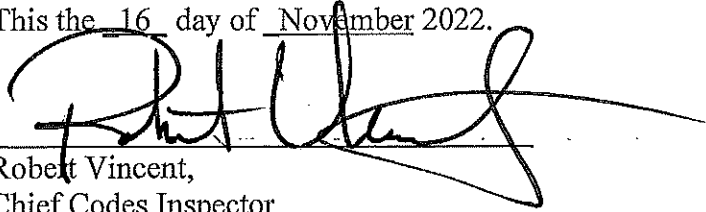
YOU ARE HEREBY NOTIFIED that the dwelling unit and/or lot located at the address designated above is in a condition that appears to be unfit for human habitation and to violate the City of Eden Minimum Housing Code as set out in the **ATTACHMENT** which is incorporated herein.

YOU ARE FURTHER NOTIFIED that a hearing will be held before the Housing Inspector of the City of Eden at 308 East Stadium Dr. at **8:30 A.M., December 1, 2022**, for the purpose of finding the facts as to whether the condition of such property falls within the scope of the above-mentioned sections of the Housing Code. At the hearing, you shall be entitled to offer such evidence as is relevant to material to the questions sought to be determined or the remedies to be affected.

YOU ARE FURTHER NOTIFIED that if, upon such hearing, the Housing Inspector shall find that the conditions of the above-described property do in fact violate the Housing Code, and do in fact render such dwelling unit unfit for human habitation, the Housing Inspector will issue an order in writing directed to the owner of such property requiring the owner to remedy these conditions. The Housing Inspector may make such other orders and take such other procedures as are authorized under the Housing Code and the General Statutes of North Carolina.

Further information as to this matter may be obtained by contacting the undersigned at (336) 623-2110.

This the 16 day of November 2022.


Robert Vincent,
Chief Codes Inspector

LOCATION: 1607 E. MEADOW RD.

FILE NO. 22000162

EXHIBIT "A"

A dwelling is unfit for human habitation if any one (1) of the following conditions exists:

DWELLING UNFIT FOR HUMAN HABITATION – Article 9.02-C,1,a

1. Interior walls or vertical studs which seriously list, lean or buckle to an extent as to render the building unsafe
2. Supporting member or members which show 33% or more damage or deterioration, or nonsupporting, enclosing, or outside walls or covering which shows 50% or more damage or deterioration; provided that such deterioration affects the structural integrity of the building.
3. Floors or roofs which have improperly distributed loads, which are overloaded or which have insufficient strength to be reasonably safe for the purposes used.
4. Such damage by fire, wind, or other causes as to render the building unsafe.
5. Dilapidation, decay, unsanitary conditions or disrepair which is dangerous to the health, safety, or welfare of the occupants or other people of the jurisdiction.
6. Inadequate facilities for egress in case of fire or panic.
7. Defects significantly increasing the hazards of fire, accident or other calamities.
8. Lack of adequate ventilation, light, heating or sanitary facilities to such extent as to endanger the health, safety, or general welfare of the occupants or other residents of the jurisdiction.
9. Lack of proper electrical, heating or plumbing facilities required by this Article which constitute a health or definite safety hazard.
10. Lack of proper connection to a potable water supply and/or to the public sewer or other approved sewage disposal system, the lack of either one of which renders a dwelling unfit for human habitation.

A dwelling is unfit for human habitation if it fails to fully comply with **seven (7) or more** of the following standards:

STRUCTURAL STANDARDS – Article 9.02-D,1

- a. Walls or partitions or supporting members, sills, joists, rafters or other structural members shall not list, lean or buckle, and shall not be rotted, deteriorated, or damaged so as to be unsafe to use and incapable of supporting a load that normal use may cause to be placed thereon.
- b. Floors or roofs shall have adequate supporting members and strength to be safe to use and capable of supporting a load that normal use may cause to be placed thereon.
- c. Foundations, foundation walls, piers or other foundation supports shall be kept in sound condition and good repair so as to be capable of supporting a load that normal use may cause to be placed thereon.
- d. Steps, stairs, landings, porches, or other parts or appurtenances shall be maintained in sound condition and good repair so that they shall be safe to use and capable of supporting a load that normal use may cause to be placed thereon.
- e. Adequate facilities, as required by the North Carolina State Building Code, for egress in case of fire or panic shall be provided.
- f. Every floor, interior wall, and ceiling shall be substantially rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting a load that normal use may cause to be placed thereon.
- g. The roof, flashings, exterior walls, basement walls, floors, and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather tight and watertight.
- h. There shall be no chimneys or parts thereof which are defective and deteriorate so as to be unsafe or in danger of falling, or in such condition or location as to constitute a fire hazard.
- i. There shall be no use of the ground for floors, or wood floors on the ground.

PLUMBING STANDARDS – Article 9.02-E,1

- a. All water to each dwelling unit shall be supplied through an approved pipe distribution system connected to a potable water supply.
- b. Each dwelling unit shall be supplied with a kitchen sink, lavatory, tub or shower and a water closet, all in good working condition.
- c. Each dwelling unit shall have connected to the kitchen sink, lavatory, tub or shower an adequate supply of

FINDING OF FACT AND ORDER

File No. 22000162

TO: Owners and parties in interest in the property located at 1607 E. MEADOW ROAD, including any accessory structures of the City of Eden, North Carolina.

HELEN MARIE HUTSON MCBRIDE; all assignees, heirs at law and devisees of HELEN MARIE HUTSON MCBRIDE together with all creditors and lienholders regardless of how or through whom they claim, and any and all persons claiming any interest in the estate of HELEN MARIE HUTSON MCBRIDE; SHIRLEY ANN HUTSON; all assignees, heirs at law and devisees of SHIRLEY ANN HUTSON COMPTON together with all creditors and lienholders regardless of how or through whom they claim, and any and all persons claiming any interest in the estate of SHIRLEY ANN HUTSON COMPTON; including but not limited to the following heirs:

Linda Marion

Gladys Pulliam

Ossie McGee

Todd Compton

The undersigned Housing Inspector of the City of Eden pursuant to law conducted a hearing at the time and place stated in the Complaint and Notice heretofore issued and served, or at a time to which the hearing was continued with previous notice to the above-named owners and parties in interest or their agents or attorneys. At the hearing, the Answer, if any, filed by the owners and parties in interest were carefully analyzed and considered by the undersigned. In addition to other evidence presented, the undersigned personally inspected the property described above, and such inspection and examination has been considered along with the other evidence offered at this hearing.

Upon the record and all of the evidence offered and contentions made, the undersigned Housing Inspector does hereby find the following facts:

1. The above-named owners and parties in interest with respect to the property located at the place specified above were duly served as required by law with written Complaint and Notice of Hearing which set forth the Complaint that the premises located at the above address is unfit for human habitation and violation of the City Minimum Housing Code, and the particulars thereof, and fixed a time and place for a hearing upon the Complaint as provided by law. At the hearing, the following owners, persons in interest or their agents or their agents or attorneys, were present and participated therein: NONE

2. The premises described above violates the City Minimum Housing Code, by reason of the conditions found to be present and to exist in and about the structure. The following is a description of conditions:

- A. Dilapidation, decay, unsanitary conditions, or disrepair which is dangerous to the health, safety, or welfare of the occupants or other people of the jurisdiction.
- B. Defects significantly increasing the hazards of fire, accident, or other calamities.

3. Due to conditions, the building and or premises described above is found to be in condition within the meaning of the City Minimum Housing Code.

IT IS THEREFORE ORDERED that the owners of the property above are required to bring such property into compliance with the Minimum Housing Code by:

Repairing, altering, improving, or vacating and demolishing the dilapidated structure and cleaning up the premises.

By a date not later than September 5, 2023.

This the 27th day of June, 2023.

Robert Vincent, Chief Codes Inspector

**AN ORDINANCE AND ORDER
FOR THE DEMOLITION OF
PROPERTY AT 1607 E. MEADOW ROAD,
CITY OF EDEN, NORTH CAROLINA**

GRANTORS/GRANTEES: City of Eden
 Helen Marie Hutson McBride
 Shirley Ann Hutson Compton
 Linda Marion
 Gladys Pulliam
 Ossie McGee
 Todd Compton

Drawn by and Return to:
Erin B. Gilley
City of Eden
PO Box 70
Eden, NC 27829-0070

AN ORDINANCE AND ORDER
FOR THE DEMOLITION OF
PROPERTY AT 1607 EAST MEADOW ROAD,
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 24th day of August, 2018, the Director of the Planning and Community Development Department caused an examination of the dwelling owned by Helen Marie Hutson McBride Heirs, including, but not limited to, Shirley Ann Hutson Compton, Linda Marion, Gladys Pulliam, Ossie McGee and Todd Compton, at 1607 E. Meadow Road, Eden, North Carolina and found it to be unfit for human habitation, that said property is more particularly described as follows:

Being all of Lot 1 containing 0.26 acres and Lot 2 containing 0.42 acres as shown and described on the Plat of Survey for Annie S. Mostella by William S. May, Jr. dated June 22, 1988, and revised August 18, 1988, said plat being attached to the Deed recorded in Book 814, page 1381, Rockingham County Register of Deeds.

The above-described property being more commonly known as 1607 E. Meadow Road, Eden, North Carolina, and being further identified by the Rockingham County Tax Dept. as PIN 7090-07-59-9570-00 and Tax Unique #110942.

WHEREAS, on the 24th day of August, 2018, the Director caused to be issued a Complaint and Notice of Hearing for the 17th day of September, 2018, which was served on the property owners by first class mail and certified mail, return receipt requested; the certified mail for Linda Marion was received on the 25th day of August, 2018; the certified mail for Shirley Compton was returned marked "Unclaimed" and "Unable to Forward;" the certified mail for Gladys Pulliam was returned marked "not deliverable as addressed;" the first class mail was not returned; the Complaint and Notice of Hearing was posted on the subject property on the 24th day of August, 2018; and

WHEREAS, the hearing was held on the 17th day of September, 2018, and the Director subsequently issued an Order to repair, alter, improve or vacate and close 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 "Vacant" or "Unclaimed" and "Unable to Forward; the first-class mail was not returned; the Finding of Fact and Order was posted on the subject property on the 21st day of September, 2018; and

WHEREAS, the Director caused a Notice of Lis Pendens to be filed in the Office of the Clerk of Superior Court for Rockingham County, North Carolina, on the 2nd day of October, 2018; and

WHEREAS, subsequently, on the 8th day of November, 2022, the Director of the Planning and Community Development Department caused another examination of the dwelling owned by Helen Marie Hutson McBride Heirs, including, but not limited to, Shirley Ann Hutson Compton Heirs, Linda Marion, Gladys Pulliam, Ossie McGee and Todd Compton, at 1607 E. Meadow Road, Eden, North Carolina and found it to be unfit for human habitation; and

WHEREAS, on the 16th day of November, 2022, the Director caused to be issued a Complaint and Notice of Hearing for the 1st day of December, 2022, 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 Complaint and Notice of Hearing was posted on the subject property on the 18th day of November, 2022; and

WHEREAS, the hearing was held on the 1st day of December, 2022, and the Director subsequently issued an Order to repair, alter, improve or vacate and demolish the dwelling located on the property; and

WHEREAS, a copy of the Order was served on the property owners by certified mail, return receipt requested, and first-class mail; the certified mail was returned by the U. S. Postal Service marked "Unclaimed" and "Unable to Forward;" the first-class mail was not returned; the Finding of Fact and Order was posted on the subject property on the 28th day of June, 2023; the Finding of Fact and Order was published in the Rockingham Now on the 2nd day of July, 2023; 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 Helen Marie Hutson McBride, Shirley Ann Hutson Compton, Linda Marion, Gladys Pulliam, Ossie McGee and Todd Compton 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 21st day of November, 2023.

CITY OF EDEN

BY: _____
Neville A. Hall, Mayor

ATTEST:

Deanna Hunt, CMC
City Clerk



Planning and Community Development Department

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

MEMO

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Kelly K. Stultz, AICP, Director
Subject: **Affirmative Maintenance/626 Spring Street**
Date: November 8, 2023

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. Two (2) bids were submitted to this department as follows:

The Menher Group	\$17,500.00
Big Dawg Construction LLC	\$19,800.00

Staff recommends that *The Menher Group* be awarded the bid for the demolition of the house with the lowest bid being in the amount of \$17,500.00.

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.

L. FAILURE TO COMPLY WITH ORDER; OWNER

1. If the owner fails to comply with an order to repair, alter or improve the dwelling, the Administrator may:
 - a. Cause such dwelling to be repaired, altered or improved, and pending such repairs, alterations or improvements, may order such dwelling vacated and closed.
 - b. Cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor.
2. If the owner fails to comply with an order to remove or demolish the dwelling, the Administrator may:
 - a. Cause such dwelling to be vacated and closed, removed or demolished.
 - b. Cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor.
3. The duties of the Administrator set forth in subsections (1) and (2) shall not be exercised until the City Council, by ordinance, shall have ordered the Administrator to proceed to effectuate the purpose of this Article with respect to the particular property or properties which the Administrator shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with this Article. Such ordinances shall be recorded in the office of the Register of Deeds of Rockingham County and shall be indexed in the name of the property owner in the grantor index.
4. If the Administrator shall have issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in this section, and if the dwelling has been vacated and closed for a period of one year pursuant to the order; then if the City Council shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the City Council may, after the expiration of such one year period, enact an ordinance and serve such ordinance on the owner, setting for the following:
 - a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within ninety (90) days; or
 - b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within ninety (90) days.
5. This ordinance shall be recorded in the Office of the Register of Deeds of Rockingham County and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the Administrator shall effectuate the purpose of the ordinance.
6. The amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the Administrator shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment

provided by G.S. Chapter 160D, Article 10. If the dwelling is removed or demolished by the Administrator, he shall sell the materials of such dwelling, and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Superior Court of Rockingham County by the Administrator, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court.

COMPLAINT AND NOTICE OF HEARING BEFORE
HOUSING INSPECTOR UNDER HOUSING CODE

TO: Owners and parties in interest in the property located at 626 SPRING STREET INCLUDING ANY ACCESSORY STRUCTURE of the City of Eden, North Carolina.

DOCK ROLAND PULLIAM; all assignees, heirs at law and devisees of DOCK ROLAND PULLIAM together with all creditors and lienholders regardless of how or through whom they claim, and any and all persons claiming any interest in the estate of DOCK ROLAND PULLIAM, including, but not limited to, the following:

Reva Pulliam Jones
Tommy Burchell

Milton Wayne Pulliam
Sheila Starnes

YOU ARE HEREBY NOTIFIED that the dwelling unit and/or lot located at the address designated above is in a condition that appears to be unfit for human habitation and to violate the City of Eden Minimum Housing Code in the following ways:

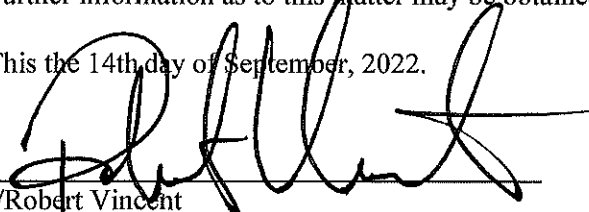
1. Such damage by fire, wind, or other causes as to render the building unsafe.
2. Dilapidation, decay, unsanitary conditions or disrepair which is dangerous to the health, safety, or welfare of the occupants or other people of the jurisdiction.
3. Inadequate facilities for egress in case of fire or panic.
4. Lack of adequate ventilation, light, heating or sanitary facilities to such extent as to endanger the health, safety, or general welfare of the occupants or other residents of the jurisdiction.
5. Lack of proper electrical, heating or plumbing facilities required by this Article which constitute a health or definite safety hazard.

YOU ARE FURTHER NOTIFIED that a hearing will be held before the Housing Inspector of the City of Eden at 308 East Stadium Dr. at 8:30 A.M., October 6, 2022, for the purpose of finding the facts as to whether or not the condition of such property falls within the scope of the above-mentioned sections of the Housing Code. At the hearing, you shall be entitled to offer such evidence as is relevant to material to the questions sought to be determined or the remedies to be affected.

YOU ARE FURTHER NOTIFIED that if, upon such hearing, the Housing Inspector shall find that the conditions of the above described property do in fact violate the Housing Code, and do in fact render such dwelling unit unfit for human habitation, the Housing Inspector will issue an order in writing directed to the owner of such property requiring the owner to remedy these conditions. The Housing Inspector may make such other orders and take such other procedures as are authorized under the Housing Code and the General Statutes of North Carolina.

Further information as to this matter may be obtained by contacting the undersigned at (336) 623-2110.

This the 14th day of September, 2022.


s/Robert Vincent
Chief Codes Inspector

FINDING OF FACT AND ORDER

File No. 22000711

TO: Owners and parties in interest in the property located at 626 SPRING STREET including any accessory structures, of the City of Eden, North Carolina.

DOCK ROLAND PULLIAM; all assignees, heirs at law and devisees of DOCK ROLAND PULLIAM together with all creditors and lienholders regardless of how or through whom they claim, and any and all persons claiming any interest in the estate of DOCK ROLAND PULLIAM, including, but not limited to, the following:

Reva Pulliam Jones
Tommy Burchell

Milton Wayne Pulliam
Sheila Starnes

The undersigned Housing Inspector of the City of Eden pursuant to law conducted a hearing at the time and place stated in the Complaint and Notice heretofore issued and served, or at a time to which the hearing was continued with previous notice to the above-named owners and parties in interest or their agents or attorneys. At the hearing, the Answer, if any, filed by the owners and parties in interest were carefully analyzed and considered by the undersigned. In addition to other evidence presented, the undersigned personally inspected the property described above, and such inspection and examination has been considered along with the other evidence offered at this hearing.

Upon the record and all of the evidence offered and contentions made, the undersigned Housing Inspector does hereby find the following facts:

1. The above-named owners and parties in interest with respect to the property located at the place specified above were duly served as required by law with written Complaint and Notice of Hearing which set forth the Complaint that the premises located at the above address is unfit for human habitation and violation of the City Minimum Housing Code, and the particulars thereof, and fixed a time and place for a hearing upon the Complaint as provided by law. At the hearing, the following owners, persons in interest or their agents or their agents or attorneys, were present and participated therein: NONE.
2. The premises described above violates the City Minimum Housing Code, by reason of the conditions found to be present and to exist in and about the structure. The following is a description of conditions:
 - A. Such damage by fire, wind, or other causes as to render the building unsafe.
 - B. Dilapidation, decay, unsanitary conditions or disrepair which is dangerous to the health, safety, or welfare of the occupants or other people of the jurisdiction.
 - C. Inadequate facilities for egress in case of fire or panic.
 - D. Lack of adequate ventilation, light, heating or sanitary facilities to such extent as to endanger the health, safety, or general welfare of the occupants or other residents of the jurisdiction.
 - E. Lack of proper electrical, heating or plumbing facilities required by this Article which constitute a health or definite safety hazard.
3. Due to conditions, the building and or premises described above is found to be in condition within the meaning of the City Minimum Housing Code.

IT IS THEREFORE ORDERED that the owners of the property above are required to bring such property into compliance with the Minimum Housing Code by:

Repairing, altering, improving or vacating and demolishing the dilapidated structure and cleaning up the premises.

By a date not later than December 11, 2022.

This the 11th day of October, 2022.


Robert Vincent, Chief Building Inspector

**AN ORDINANCE AND ORDER
FOR THE DEMOLITION OF
PROPERTY AT 626 SPRING STREET,
CITY OF EDEN, NORTH CAROLINA**

GRANTORS/GRANTEES: City of Eden
 Dock Roland Pulliam
 Reva Pulliam Jones
 Milton Wayne Pulliam
 Tommy Burchell
 Sheila Starnes

Drawn by and Return to:
Erin B. Gilley
City of Eden
PO Box 70
Eden, NC 27829-0070

AN ORDINANCE AND ORDER
FOR THE DEMOLITION OF
PROPERTY AT 626 SPRING STREET,
EDEN, NORTH CAROLINA

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

WHEREAS, on the 21st day of June, 2022, the Director of the Planning and Community Development Department caused an examination of the dwelling owned by Dock Roland Pulliam Heirs, including, but not limited to, Reva Pulliam Jones, Milton Wayne Pulliam, Tommy Burchell and Sheila Starnes, at 626 Spring Street, Eden, North Carolina and found it to be unfit for human habitation, that said property is more particularly described as follows:

TRACT 1: BEGINNING at an iron in the south side of Spring Street, said iron being the S.E. corner of the intersection of Spring Street by a 9.87 foot alley; thence with the South side of Spring Street, South 38 deg. 40 min. East 45 feet to an iron and continuing South 71 deg. 47 min. East 47.25 feet to an iron; thence leaving the south side of Spring Street, South 14 deg. 37 min. West about 150 feet to an iron in a drain; thence North 83 deg. 04 min. West 77.2 feet to an iron; thence South 62 deg. 25 min. West 43.4 feet to an iron; thence North 2 deg. 16 min. East 122.3 feet to an iron in the east line of a 9.87 foot alley; thence with the east line of said alley, North 42 deg. 16 min. East 11.73 feet to the POINT OF BEGINNING and containing 22,500 square feet, more or less. Same being an unnumbered lot, Section 16, Primitive Heights, as per map by W. B. Trogdon, March, 1921, revised 9-18-28, and supplemental survey by W. T. Combs, 1947. See Deed Book 499, at page 177 and Deed Book 709, page 13. The above-described property being more commonly known as 626 Spring Street, Eden, North Carolina, and being further identified by the Rockingham County Tax Dept. as PIN 7070-15-54-5254-00.

TRACT 2: Situated in the City of Eden, Leaksville Township, Rockingham County, North Carolina, and being an unnumbered Parcel of land as shown on a "Map of Primitive Heights – Spray Water Power & Land Company Property, Spray, N.C.," prepared by W. B. Trogdon, Engineer, Greensboro, N.C. dated March 1921, together with subsequent revisions, and being of recorded in Plat Book 3, page 131, Rockingham County Register of Deeds' Office, Wentworth, North Carolina; said Unnumbered Parcel being located within Block 16 of the aforesaid Map of Primitive Heights, extending and being contiguous therein from the south margin of Spring Street to the northerly margin of North Church Street and lying northerly from the rear lines of Lots 22 and 23, Block 16, of the aforesaid map, and showing a Spring with the boundaries of the Parcel herein conveyed. See Deed Book 740 at page 273. The above-described property adjoins 626 Spring Street on the west and is further identified by the Rockingham County Tax Dept. as PIN 7070-15-54-4159-00.

WHEREAS, on the 14th day of September, 2022, the Director caused to be issued a Complaint and Notice of Hearing for the 6th day of October, 2022, which was served on the property owners by first class mail and certified mail, return receipt requested; the certified mail for Reva Pulliam Jones, Milton Wayne Pulliam and Tommy Burchell was received on the 19th day of September, 2022; the certified mail for Sheila Starnes was returned marked "Not Deliverable as Addressed" and "Unable to Forward;" the Complaint and Notice of Hearing was posted on the subject property on the 15th day of September, 2022; the Complaint and Notice of Hearing was published in the Rockingham Now on the 21st day of September, 2022; and

WHEREAS, the hearing was held on the 6th day of October, 2022, and the Director subsequently issued an Order to repair, alter, improve or vacate and demolish the dwelling located on the property; and

WHEREAS, a copy of the Order was served on the property owners by certified mail, return receipt requested, and first-class mail; the certified mail was returned by the U. S. Postal Service marked "Vacant" or "Unclaimed" and "Unable to Forward; the first-class mail was not returned; the Finding of Fact and Order was posted on the subject property on the 11th day of October, 2022; the Finding of Fact and Order was published in the Rockingham Now on the 19th day of October, 2022; 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 Dock Roland Pulliam, Reva Pulliam Jones, Milton Wayne Pulliam, Tommy Burchell and Sheila Starnes 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 21st day of November, 2023.

CITY OF EDEN

BY: _____
Neville A. Hall, Mayor

ATTEST:

Deanna Hunt, CMC
City Clerk



Planning and Community Development Department

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

MEMO

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Kelly K. Stultz, AICP, Director
Subject: **Affirmative Maintenance/722 Morgan Road**
Date: November 8, 2023

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:

Big Dawg Construction	\$ 8,900.00
The Menher Group	\$11,000.00
Sam W. Smith, Inc.	\$14,500.00

Staff recommends that *Big Dawg Construction* be awarded the bid for the demolition of the house with the lowest bid being in the amount of \$8,900.00.

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.

L. FAILURE TO COMPLY WITH ORDER, OWNER.

1. If the owner fails to comply with an order to repair, alter or improve the dwelling, the Administrator may:
 - a. Cause such dwelling to be repaired, altered or improved, and pending such repairs, alterations or improvements, may order such dwelling vacated and closed.
 - b. Cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor.
2. If the owner fails to comply with an order to remove or demolish the dwelling, the Administrator may:
 - a. Cause such dwelling to be vacated and closed, removed or demolished.
 - b. Cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor.
3. The duties of the Administrator set forth in subsections (1) and (2) shall not be exercised until the City Council, by ordinance, shall have ordered the Administrator to proceed to effectuate the purpose of this Article with respect to the particular property or properties which the Administrator shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with this Article. Such ordinances shall be recorded in the office of the Register of Deeds of Rockingham County and shall be indexed in the name of the property owner in the grantor index.
4. If the Administrator shall have issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in this section, and if the dwelling has been vacated and closed for a period of one year pursuant to the order; then if the City Council shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the City Council may, after the expiration of such one year period, enact an ordinance and serve such ordinance on the owner, setting for the following:
 - a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within ninety (90) days; or
 - b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within ninety (90) days.
5. This ordinance shall be recorded in the Office of the Register of Deeds of Rockingham County and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the Administrator shall effectuate the purpose of the ordinance.
6. The amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the Administrator shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment

provided by G.S. Chapter 160D, Article 10. If the dwelling is removed or demolished by the Administrator, he shall sell the materials of such dwelling, and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Superior Court of Rockingham County by the Administrator, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court.



City of Eden

P.O. Box 70
Eden, NC 27289-0070
(336) 623-2110
Fax (336) 623-4041



File No. 21000432

COMPLAINT AND NOTICE OF HEARING BEFORE HOUSING INSPECTOR UNDER HOUSING CODE

TO: Owners and parties of interest in the property located at 722 Morgan Rd. in the City of Eden, North Carolina.

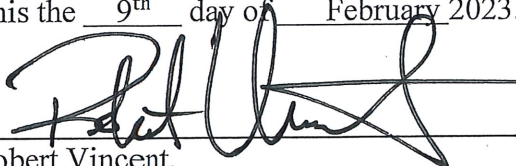
YOU ARE HEREBY NOTIFIED that the dwelling unit and/or lot located at the address designated above is in a condition that appears to be unfit for human habitation and to violate the City of Eden Minimum Housing Code as set out in the **ATTACHMENT** which is incorporated herein.

YOU ARE FURTHER NOTIFIED that a hearing will be held before the Housing Inspector of the City of Eden at 308 East Stadium Dr. at **8:30 A.M., Tuesday, March 7th, 2023** for the purpose of finding the facts as to whether the condition of such property falls within the scope of the above-mentioned sections of the Housing Code. At the hearing, you shall be entitled to offer such evidence as is relevant to material to the questions sought to be determined or the remedies to be affected.

YOU ARE FURTHER NOTIFIED that if, upon such hearing, the Housing Inspector shall find that the conditions of the above-described property do in fact violate the Housing Code, and do in fact render such dwelling unit unfit for human habitation, the Housing Inspector will issue an order in writing directed to the owner of such property requiring the owner to remedy these conditions. The Housing Inspector may make such other orders and take such other procedures as are authorized under the Housing Code and the General Statutes of North Carolina.

Further information as to this matter may be obtained by contacting the undersigned at (336) 623-2110.

This the 9th day of February 2023.



Robert Vincent,
Chief Codes Inspector

EXHIBIT "A"

A dwelling is unfit for human habitation **if any one (1)** of the following conditions exists:

DWELLING UNFIT FOR HUMAN HABITATION – Article 9.02-C,1,a

- 1. Interior walls or vertical studs which seriously list, lean or buckle to an extent as to render the building unsafe
- 2. Supporting member or members which show 33% or more damage or deterioration, or nonsupporting, enclosing, or outside walls or covering which shows 50% or more damage or deterioration; provided that such deterioration affects the structural integrity of the building.
- 3. Floors or roofs which have improperly distributed loads, which are overloaded or which have insufficient strength to be reasonably safe for the purposes used.
- 4. Such damage by fire, wind, or other causes as to render the building unsafe.
- 5. Dilapidation, decay, unsanitary conditions or disrepair which is dangerous to the health, safety, or welfare of the occupants or other people of the jurisdiction.
- 6. Inadequate facilities for egress in case of fire or panic.
- 7. Defects significantly increasing the hazards of fire, accident or other calamities.
- 8. Lack of adequate ventilation, light, heating or sanitary facilities to such extent as to endanger the health, safety, or general welfare of the occupants or other residents of the jurisdiction.
- 9. Lack of proper electrical, heating or plumbing facilities required by this Article which constitute a health or definite safety hazard.
- 10. Lack of proper connection to a potable water supply and/or to the public sewer or other approved sewage disposal system, the lack of either one of which renders a dwelling unfit for human habitation.

A dwelling is unfit for human habitation if it fails to fully comply with **seven (7) or more** of the following standards:

STRUCTURAL STANDARDS – Article 9.02-D,1

- a. Walls or partitions or supporting members, sills, joists, rafters or other structural members shall not list, lean or buckle, and shall not be rotted, deteriorated, or damaged so as to be unsafe to use and incapable of supporting a load that normal use may cause to be placed thereon.
- b. Floors or roofs shall have adequate supporting members and strength to be safe to use and capable of supporting a load that normal use may cause to be placed thereon.
- c. Foundations, foundation walls, piers or other foundation supports shall be kept in sound condition and good repair so as to be capable of supporting a load that normal use may cause to be placed thereon.
- d. Steps, stairs, landings, porches, or other parts or appurtenances shall be maintained in sound condition and good repair so that they shall be safe to use and capable of supporting a load that normal use may cause to be placed thereon.
- e. Adequate facilities, as required by the North Carolina State Building Code, for egress in case of fire or panic shall be provided.
- f. Every floor, interior wall, and ceiling shall be substantially rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting a load that normal use may cause to be placed thereon.
- g. The roof, flashings, exterior walls, basement walls, floors, and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather tight and watertight.
- h. There shall be no chimneys or parts thereof which are defective and deteriorate so as to be unsafe or in danger of falling, or in such condition or location as to constitute a fire hazard.
- i. There shall be no use of the ground for floors, or wood floors on the ground.

PLUMBING STANDARDS – Article 9.02-E,1

- a. All water to each dwelling unit shall be supplied through an approved pipe distribution system connected to a potable water supply.
- b. Each dwelling unit shall be supplied with a kitchen sink, lavatory, tub or shower and a water closet, all in good working condition.
- c. Each dwelling unit shall have connected to the kitchen sink, lavatory, tub or shower an adequate supply of



City of Eden

P.O. Box 70
Eden, NC 27289-0070
(336) 623-2110
Fax (336) 623-4041



File No. 21000432

FINDING OF FACT AND ORDER

TO: Owners and parties in interest of the property located at **722 MORGAN RD.** City of Eden, North Carolina.

The undersigned Housing Inspector of the City of Eden pursuant to a law conducted hearing at the time and place stated in the Complaint and Notice heretofore issued and served, or at a time to which the hearing was continued with previous notice to the above-named owners and parties in interest or their agents or attorneys. At the hearing, the Answer, if any, filed by the owners and parties in interest were carefully analyzed and considered by the undersigned. In addition to other evidence presented, the undersigned personally inspected the property described above, and such inspection and examination has been considered along with the other evidence offered at this hearing.

Upon the record and all the evidence offered and contentions made, the undersigned Housing Inspector does hereby find the following facts:

1. The above-named owners and parties in interest with respect to the property located at the place specified above were duly served as required by law with written Complaint and Notice of Hearing which set forth the Complaint that the premises located at the above address is unfit for human habitation and violation of the City Minimum Housing Code, and the particulars thereof, and fixed a time and place for a hearing upon the Complaint as provided by law. At the hearing, the following owners, persons in interest or their agents or their agents or attorneys, were present and participated therein:

2. The premises described above violate the City Minimum Housing Code, by reason of the conditions found to be present and to exist in and about the structure. Attached is a description of the conditions:

3. Due to conditions, the building and or premises described above is found to be in condition within the meaning of the City Minimum Housing Code.

IT IS THEREFORE ORDERED that the owners of the property above are required to bring such property into compliance with the Minimum Housing Code by:

REPAIR OR DEMOLISH – 60 DAYS

By a date not later than **May 7th 2023**

This the 7th day of March, 2023.


Robert Vincent, Chief Codes Inspector

**AN ORDINANCE AND ORDER
FOR THE DEMOLITION OF
PROPERTY AT 722 MORGAN ROAD,
CITY OF EDEN, NORTH CAROLINA**

GRANTORS/GRANTEES: City of Eden
 Jesse T. Hale
 Barbara Hale
 Barbara B. Blevins

Drawn by and Return to:
Erin B. Gilley
City of Eden
PO Box 70
Eden, NC 27829-0070

AN ORDINANCE AND ORDER
FOR THE DEMOLITION OF
PROPERTY AT 722 MORGAN ROAD,
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 Jesse T. Hale and wife Barbara Hale at 722 Morgan Road, Eden, North Carolina and found it to be unfit for human habitation, that said property is more particularly described as follows:

BEGINNING at a point in the northern line of Morgan Ford Road said point being located N. 45 deg. 54 min W. 59.47 feet from the intersection of the northern line of Morgan Ford Road and the western line of Hudson Street (Formerly Gum Street) from the POINT OF BEGINNING along the western line of the lot this day deeded to Malene S. Jennings N. 32 deg 33 min E. 78.61 feet to a point in the southern line of Lot 11; thence along the southern line of lot 11 N. 59 deg 30 min W. 46.54 feet to an iron said iron marking the southwest corner of Lot 11; thence S. 30 deg 56 min W. 67.85 feet to an iron in the northern line of Morgan Ford Road; thence along the northern line of Morgan Ford Road S. 45 deg 54 min E. 45.47 feet to the POINT OF BEGINNING and being the Western portion of Lot 10 of the M.T. Gillie Estate as per plat of survey for Evelyn H. Snow, Leaksville Township, Rockingham County, N.C., August 13, 1976, by C.E. Robertson & Associates, RLS recorded in Book 707, Page 852 to which reference is made for a more specific description.

The above-described property being more commonly known as 722 Morgan Road, Eden, North Carolina, and being further identified by the Rockingham County Tax Dept. as PIN 7070-07-58-7735-00; Parcel No. 104629.

WHEREAS, on the 9th day of February, 2023, the Director caused to be issued a Complaint and Notice of Hearing for the 7th day of March, 2023, which was served on the property owner by first class mail and certified mail, return receipt requested; the certified mail and first class mail were received and the certified mail receipt was returned to us by the U. S. Postal Service signed and dated by the recipient. 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 7th day of March, 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 owner by certified mail, return receipt requested, and first-class mail; the certified mail and first class were received and the Certified Mail receipt was returned to us by the U. S. Postal Service signed for and dated by the recipients; the Finding of Fact and Order was posted on the subject property on the 7th day of March, 2023; 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 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 Jesse T. Hale and wife Barbara Hale (Barbara B. Blevins) 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 21st day of November, 2023.

CITY OF EDEN

BY: _____
Neville A. Hall, Mayor

ATTEST:

Deanna Hunt, CMC
City Clerk



City Manager's Report
November 2023
 City Manager Jon Mendenhall

ADMINISTRATION

Marketing & Communications Office

WINTERFEST IS SET FOR FRIDAY, DECEMBER 1 in Grogan Park from 5:30 p.m. - 8:00 p.m.

Bring the kids, friends and family and come enjoy a winter evening outside that will include an outdoor movie feature ELF and popcorn, oversized games, inflatable slide, Brunswick stew, smore's bar, cocoa bar, sweet treats including funnel cakes, tree lighting, characters, cool decorations, spectacular basket raffle and more. Don't miss it!

RALEIGH RINGERS TO PERFORM IN EDEN on SUNDAY, DECEMBER 10

The Raleigh Ringers is an internationally-acclaimed concert handbell choir based in Raleigh, North Carolina. Since its founding in 1990, The Raleigh Ringers has been dazzling audiences with unique interpretations of sacred, secular and popular music, including famous rock'n'roll tunes arranged just for handbells.

They will be at the First Presbyterian Church located at 582 Southwood Drive on Sunday, December 10 at 4:00 p.m. for an exclusive performance. Tickets are \$25 and seating is limited. To purchase tickets please email Pam Cundiff pam@edentravelconsultants.com. See you there!

FUN HOLIDAY TRADITIONS IN EDEN DURING THE MONTH OF DECEMBER!

- December 1- 20 – Rent -A-Santa - Call 336-623-2110 to schedule
- December 1 – WinterFest – Grogan Park – 5:30 p.m. until 8:00 p.m.
- December 2 – 56th Annual Draper Children's Parade – 11:00 a.m.
- December 2 – Holiday Stroll along Washington Street – noon to 7:00 p.m.
- December 2 – Tree Lighting at Jean Harrington Park – 6:00 p.m.
- December 15 – Holiday Ladies Night Out in Uptown Eden – 5:00 p.m. until 8:00 p.m.
- December 18-20 – Phone Calls from Santa – Call 336-623-2110 to schedule

PARKS & RECREATION DEPARTMENT

Recreation Division

Bridge Street Recreation Center: Bridge Street Recreation Center has been busy with daily walkers and fitness classes. After school program is moving in the right direction. Home schools meet on Fridays to play in the gym and outside. Bridge Street has had 3.5k visits this year.

Mill Avenue Recreation: Pickleball is being played Monday, Tuesday, Wednesday, Friday and Sunday afternoons. Cornhole games are still being played as well. Basketball will start in November. So far, we have had 5.4k visits this year.

Freedom Park: Weekend tournaments with either adult or girls fast pitch are still being played. The park has been very busy with rentals for Halloween parties which brought a lot of citizens to the park. Putt-Putt has been opened for just a short time this year. On October 28 Eden Parks and Recreation sponsored at Halloween celebration. Many citizens came out to play several games, putt-putt, jump on inflatables. They also could participate in the costume contest for people and pets and walk in the cake walk for a chance to win cupcakes.

Senior Center: October was a busy month for the seniors as they had activities planned nearly every day. Many seniors took advantage of senior center programs such as bingo, card games, and traveling. In November the seniors have a trip planned as well as a trip for Christmas.

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

Local Codes and Inspections

We are receiving nuisance complaints either by phone or through our *SeeClickFix* App available to all citizens. While we still only have one inspector, complaints continue to be addressed in a timely manner and notices sent as needed. The inspector is also checking for other code violations as he sees them out in the field and submitting them to have notices sent to the property owners. Most abatements are being handled by outside contractors as Facility Maintenance is tied up with other duties.

Local Codes Inspections October 1– October 31, 2023

Local Code Notices sent-	14
Local Code Violations abated-	18
Permits issued-	109
Total Inspections performed-	233

Boards & Commissions

The Community Appearance Commission did not meet for the month of October due to the inability to establish a quorum in part by members calling in advance stating their absence.

The Historic Preservation Commission did not meet for the month of October due to the inability to establish a quorum in part by members calling in advance stating their absence.

The Tree Board did not meet for the month of October due to scheduling conflict with the staff representation.

The Planning Board did not meet for the month of October due to there being no cases.

POLICE DEPARTMENT

We have received our order of 48ea GLOCK Model 45 for uniformed officers and 17ea GLOCK Model 19 for plain clothed officers. We are in the process of preparing the weapons for our fall in service which begins on November 20, 2023. We are expecting a seamless transition, to this tried and true, weapons system.

We ordered and received six 2023 Dodge Durango's. One Durango, assigned to administration, has been upfitted and is now in service. The remaining are in the upfitting process.

We received the equipment for our AXON Interview Room upgrade and we are being advised by AXON that we should have technicians on site beginning the install, mid-November.

FIRE DEPARTMENT

The new siren at Station 1 is set for installation in the next two weeks. The company is waiting for the delivery of the pole. All other equipment has been delivered. The Fire Department interviewed three applicants to fill the two vacant positions. The Fire Department had a successful public education throughout the three elementary schools in the City. The Fire Department has set up yearly fire extinguishing training with Brookdale, UNCR Hospital, Loparex, and numerous churches throughout the community.

PUBLIC WORKS DEPARTMENT

Streets

The Street Division is 90% complete with the Monroe Street streetscape project, paving is scheduled for the first week of November. All the crews are to be commended for their hard work, the Concrete Crew had a big job pouring sidewalks and curb/gutter for over 1,200ft. The Street Division is working on leaf season and has multiple leaf units out on collection routes as it aims to keep ahead of leaf piles throughout the City.

Construction

The Construction Crew is wrapping up work on the Circle Drive waterline and will be shifting to making some drainage improvements at the Dog Park in Freedom Park. This crew continues to save the City a great deal of money by concentrating on small to medium-sized projects that can be completed using City forces and equipment.

Collections & Distribution

The Collections & Distribution Division is continuing the proactive work on waterline and sewer line maintenance. The number of reportable sanitary sewer overflows have been reduced to 2 this calendar year.

Solid Waste

Solid Waste Division is continuing to work on collection of solid waste and transferring/hauling it to the landfill. The amount of municipal solid waste (MSW) hauled in the past month was 423 tons, which falls within the 24-month moving average of 498 tons.

Fleet

The Fleet Division is continuing to work on the fuel depot at Klyce Street, installers were present onsite the week of October 30, 2023 working on the installation of the fuel tanks and dispensers. Accompanying this project, a new fuel/fleet software system will be installed in parallel to modernize the internal services provided by this division so that the continued care and maintenance of vehicle and equipment assets can occur in the most efficient way possible.

Utilities

Utilities are working on the North Basin at the WWTP by removing biosolids from the basin after it was dewatered. The Sludge scrapper at the WTP has been delayed until spring in order to accommodate the switch-over to DelPac. Various grants are in the process of being applied for including the BRIC grant. The

Purina sewer re-routing and the renovation of Railroad PS are being designed. A firm has been contracted to provide the necessary compliance information on the new EPA lead and copper rules. The chlorine conversion design work for both plants is nearing 90% complete.

CITY OF EDEN, N.C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, October 17, 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 - absent
	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
	Robin 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 Johnny Cox, Summit Road Church of God, gave an invocation followed by the Pledge of Allegiance led by second-grader Lacey Lemons and third-grader Ryleigh King of Central Elementary School who were the grandchildren of Council Member Ellis. Council Member Ellis joined them at the podium.

RECOGNITIONS:

- a. Recognition: Julie Stanton, Business North Carolina Trailblazer.

Mayor Hall asked Main Street Manager Ken White to come forward with business owner Julie Stanton.

Mr. White said earlier in the year, he received an email from Business North Carolina, a statewide magazine for all business news in North Carolina. The email stood out to him because it requested nominations for 2023 Trailblazers of the Year. Nominees would be someone under age 40 making a difference in their town with a population less than 100,000. He immediately had one person in mind – Julie Stanton. He filled out the application and had to talk with Ms. Stanton when he encountered information he needed. As he was leaving after speaking with her, she thanked him for at least nominating her and he told her she would hear back from it. He had been right. Ms. Stanton was founder and co-owner of Southern Julep with her father. The business was started as a school project. Ms. Stanton transformed the business from festivals and online sales to a small storefront she almost immediately grew out of, to a much larger storefront on Monroe Street in Uptown Eden. Just last week, Ms. Stanton added another component to the business with Sunday Morning Coffee. In 2021, she was named Eden’s Main Street Champion. The best story from the business was that a customer came in to buy a gift for his sister and he left with his soulmate.

Mr. White presented Ms. Stanton with a plaque celebrating her as a 2023 Business North Carolina Trailblazer of the Year.

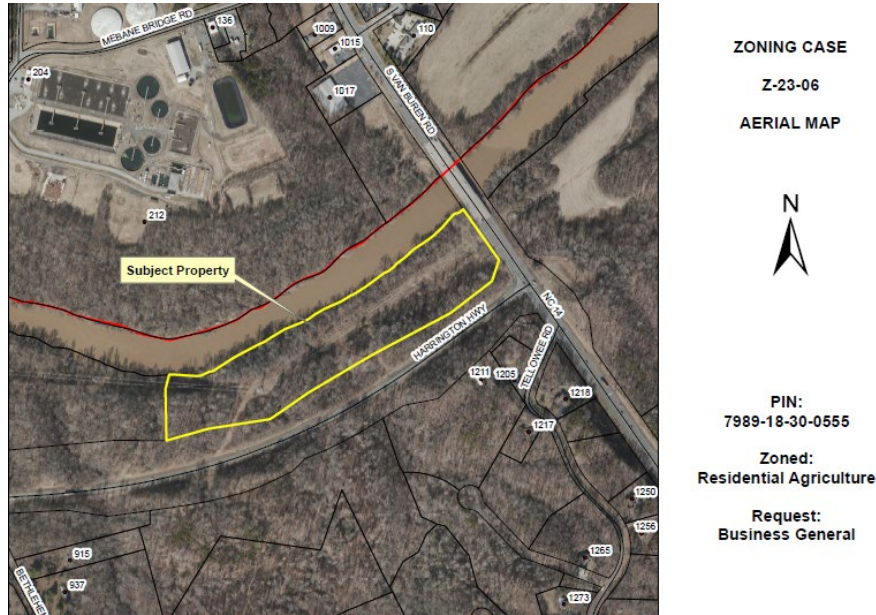
SET MEETING AGENDA:

A motion was made by Council Member Epps to set the meeting agenda. Council Member Moore seconded the motion. All members present voted in favor of the motion. The motion carried 6-0.

PUBLIC HEARINGS:

- a. (1) Consideration of a zoning map amendment request and adoption of an ordinance to rezone approximately 34.44 acres at the intersection of Harrington Highway and N.C. 14 from Residential Agriculture to Business General.
- (2) Consideration of a resolution adopting a statement of consistency regarding the proposed map amendment.

Planning & Community Development Director Kelly Stultz wrote in a memo: The City has received a zoning map amendment request filed by Galen Shawver, Property Owner, to rezone a parcel of 34.44 acres located at the intersection of NC 14 & Harrington Hwy. The request is to rezone the property, identified as PIN 7989-18-30-0555, from Residential Agriculture to Business General. The Planning and Community Development Department recommends approval of the map amendment request. At a regular meeting in September, the Planning Board voted to recommend that the City Council approve this request.



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

Ms. Stultz said the subject property was right along the Dan River near the bridge. It was currently zoned Residential Agriculture but had previously been zoned Business General (BG). When it was decided to put BG back in the ordinance, Council asked that everything that was previously BG be designated that again. She missed this parcel. After staff realized that once the application came in, the fee was refunded because the previous rezonings had been done at no cost. Part of the property was in the floodway and part in the flood zone. The topography was fairly steep. The Planning Board discussed the property and the fact that it should have been rezoned to BG some time back. The Planning Board voted unanimously to approve the rezoning and staff recommended in favor of it.

Tommy Fleming said that he owned the property and was in favor of the rezoning. There were two easements off Harrington Highway to the property so the owner had to come back about 200 feet off the property to get to the useable area.

Mayor Hall asked if it made a difference that the property owner did not apply for the application.

City Attorney Erin Gilley said Mr. Fleming was under contract for the property. Being under contract was a property interest that was recognized by the statutes.

As no one else came forward to speak and there were no further questions or discussion, Mayor Hall declared the public hearing closed.

A motion was made by Council Member Ellis to approve the zoning map amendment request and adopt an ordinance to rezone approximately 34.44 acres at the intersection of Harrington Highway and N.C. 14 from Residential Agriculture to

Business General, and to adopt a resolution of a statement of consistency regarding the proposed map amendment. Council Member Underwood seconded the motion. All members present voted in favor of the motion. The motion carried 6-0.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF EDEN

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

Section 1 - Change from Residential Agriculture to Business General the following property:

BEGINNING at an iron 150 feet East of the branch in the North line of grantors with Spray Water Power & Land Company; thence South 13-29 East approximately 800 feet to point in the North line of the property of Richard Forrest; thence with the Forrest Line North 32-45 East approximately 770 feet to a stone; thence with the Forrest Line South 80-15 East 572.22 feet to a stone in the hollow; thence with the Forrest line down the hollow North 17 East 330 feet, and North 1.5 West 363.92 feet to a stone in the West edge of a sawmill road in the former D. W. Harvey line; thence North 10 East 198 feet, and North 16.5 East 248.82 feet to the forks of the branches; thence down Leatherwood Branch to Dan River; thence up Dan River South 68.5 West 753.72 feet to a horn beam on the branch of the river; thence continuing up the river North 80 West 112 feet to the North of a drain marking the corner with the Spray Water Power and Land Company; thence leaving the river up a drain with the East line of the Spray Water Power and Land Company tract South 21 West 87 feet; South 2-19 East 283 feet; and South 23-85 West 146 feet to poplar at the end of the drain; thence continuing South 0-16 West 311 feet to an iron; thence South 75-23 West approximately 300 feet to the point of beginning.

The above-described property being more commonly identified by the Rockingham County Tax Dept. as PIN 7989-18-30-0555 and Parcel Number 141310.

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

APPROVED, ADOPTED AND EFFECTIVE, this 17th day of October, 2023.

CITY OF EDEN

By: Neville Hall, Mayor

Attest: Deanna Hunt, City Clerk

A RESOLUTION ADOPTING A STATEMENT OF CONSISTENCY REGARDING
A PROPOSED AMENDMENT TO THE CITY OF EDEN UNIFIED DEVELOPMENT ORDINANCE
CASE NUMBER Z-23-06 MAP AMENDMENT

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

WHEREAS, on May 17, 2022, the Eden City Council adopted the Comprehensive Plan which included a Future Land Use Map. Plans such as the City of Eden Comprehensive Plan are not designed to be static but are meant to reflect the City of Eden's needs, plans for future development and to remain in compliance with North Carolina State Law and the City of Eden's ordinances;

WHEREAS, the City of Eden Planning Board received a request to rezone a parcel of 34.44 acres located at the intersection of NC 14 & Harrington Hwy from Residential Agriculture (RA) to Business General (BG).

WHEREAS, On September 26, 2023, the City of Eden Planning Board voted to recommend to the Eden City Council that the rezoning request be approved.

STATEMENT OF NEED:

The rezoning of subject property back to the BG District (as before the UDO updates in 2021), which consists of more suitable zoning dimensional standards for this particular property, would enable the property to be utilized for commercial uses that would benefit the City of Eden in future development and growth. The BG Business Districts are generally located on the fringe of the central business district and along major radial highways leading out of the city. The principal use of land is for dispensing retail goods and services to the community and to provide space for wholesaling and warehousing activities. Because these commercial areas are subject to public view and are important to the economy of the area, they shall have ample parking, controlled traffic movement, and suitable landscaping.

STATEMENT OF CONSISTENCY:

The goals of the 2022 City of Eden Comprehensive Plan are to make smart growth decisions by carefully managing growth to:

- A. Strategically locate new land development in the most appropriate places.
- B. Maintain and enhance Eden's community character and heritage.

- C. Use infrastructure investments as effectively as possible.
- D. Attract new jobs and a more diverse tax base.
- E. Protect natural, cultural and historic resources and open space as we grow.

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

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

- 1. The Eden City Council finds that the proposed amendment to the City of Eden Unified Development Ordinance is consistent with the goals and recommendations of the 2022 City of Eden Comprehensive Plan.
- 2. At no time are land use regulations or plans of the City of Eden or any jurisdiction in the State of North Carolina permitted to be in violation of the North Carolina General Statutes.
- 3. Therefore, based upon the foregoing information, the amendment to the Unified Development Ordinance is reasonable and in the public's best interest.

Approved and adopted and effective this 17th day of October, 2023.

CITY OF EDEN

By: Neville Hall, Mayor

Attest: Deanna Hunt, City Clerk

- b. Consideration to approve an application for the CDBG-NR Program.

Grants Administrator Chase Lemons wrote in a memo: The City of Eden, like other non-entitlement cities in North Carolina, competes for funding through the Community Development Block Grant Program. This funding can be used for housing rehabilitation, clearance, relocation, infrastructure improvements and recreational improvements, water and sewer projects and economic development projects. All of these various kinds of projects are designed to offer assistance to low- and moderate-income residents of our community. As the time for application approaches, we are required to hold a public hearing. This is a requirement of the North Carolina Department of Commerce. By including all of the various types of projects, we hope to position our community to gain the most funding possible where it is needed the most. If you have any questions, please do not hesitate to contact me.

Mayor Hall called on Ms. Stultz.

Ms. Stultz said the City was finishing up the Draper CDBG-NR (Community Development Block Grant – Neighborhood Revitalization) with the exception of the Fire Station repairs. The City was eligible to make an application for another neighborhood. She and Mr. Lemons had decided to present an application for Leaksville, which was an area that had never been done. They had chosen the Five Forks area, and were working with Insight, the consulting firm they had success with. Staff needed Council's approval to make the application. A second public hearing would be held the following month.

As no one came forward to speak and there were no further questions or discussion, Mayor Hall declared the public hearing closed.

A motion was made by Council Member Underwood to approve an application for the CDBG-NR Program. Council Member Moore seconded the motion. All members present voted in favor of the motion. The motion carried 6-0.

REQUESTS AND PETITIONS OF CITIZENS:

There were none at this time.

UNFINISHED 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: Community Appearance – Susan Cunningham (Resigned); Tree Board – Leslie Wyatt (Newly Appointed, Term Expired, Re-Appoint in December)
Ward 2 Councilman Nooe: Community Appearance – Martha Corum (Resigned); Planning Board – Gwen Taylor (Term Expired); Tree Board – Mike Ayers (Term Expired)
Ward 3 Councilman Kirkman: Historic Preservation – Beth Pulliam (Term Expired); Tree Board – Jim Ivie (Term Expired)
Ward 4 Councilman Epps: Historic Preservation – Louise Price (Term Expired); Planning Board – Fred Ramsey (Term Expired)
Ward 5 Councilman Underwood: None to report
Ward 6 Councilman Light: Community Appearance – Kendra Grill (Term Expired)
Ward 7 Councilman Ellis: None to report
Mayor Hall: None to report
ETJ (Must be appointed by City Council and approved by County Commissioners): Planning Board – Steve Morgan (Term Expired)

Mayor Hall called on Ms. Stultz.

Ms. Stultz said some members had already made appointments for boards in 2024 as staff brought it in the fall to give Council time to gather names. She noted Council Member Moore’s Tree Board appointee, Leslie Wyatt, was newly appointed but would need to be reappointed for 2024.

Council Member Moore nominated Avery Moore, 525 College Street, for the Community Appearance Commission.

Council Member Nooe nominated Gwen Taylor for the Planning Board and Mike Ayers for the Tree Board. He did not yet have a nominee for the Community Appearance Commission.

Council Member Epps said he had been sick and not had time to speak with Fred Ramsey about continuing to serve.

Council Member Light nominated Kendra Grill for the Community Appearance Commission.

Mayor Hall asked Ms. Stultz if Ms. Wyatt needed to be appointed now or in December.

Ms. Stultz replied in December. She was listed on the memo so they would all remember.

A motion was made by Council Member Ellis to appoint Ms. Moore and Ms. Grill to the Community Appearance Commission, Ms. Taylor to the Planning Board and Mr. Ayers to the Tree Board. Council Member Nooe seconded the motion. All members present voted in favor of the motion. The motion carried 6-0.

NEW BUSINESS:

- a. Consideration to adopt a resolution of intent to close an unopened section of Burr Lane off of Jackson Street.

Ms. Stultz wrote in a memo: The City has received a request from Jeff Reynolds to close an unopened section of Burr Lane off of Jackson Street. Attached you will find the petition, Resolution of Intent to Close an Unopened Section of Burr Lane off of Jackson Street, and a map showing the proposed closing. A motion to adopt the resolution and call a public hearing is in order. If you have any questions, please give me a call.



Mayor Hall called on Ms. Stultz.

Ms. Stultz said the property was a section of Burr Lane that was never opened or maintained by the public. All the property owners who would need it for access agreed that they wanted it closed. Staff asked that Council adopt a resolution of intent and call a public hearing for November.

A motion was made by Council Member Epps to adopt a resolution of intent to close an unopened section of Burr Lane off of Jackson Street. Council Member Light seconded the motion. All members present voted in favor the motion. The motion carried 6-0.

RESOLUTION OF INTENT TO CLOSE AN UNOPENED SECTION OF BURR LANE

BE IT HEREBY RESOLVED by the City Council of the City of Eden, North Carolina, that: Pursuant to the provisions of Chapter 13, Article III, Division 3 and Section 13-88 of the Eden City Code and Section 160A-299 of the North Carolina General Statutes, the City Council of the City of Eden, North Carolina, does hereby declare its intention to close the following section of Houchins Street: Being all of that 30 foot right of way known as an unopened portion of Burr Lane and shown on a plat of survey for Irvin River Hts. – S.E. Section, surveyed by W. B. Trogdon, C.E. for Spray Water Power & Land Co. and supplemental Surveys by W. T. Combs recorded in Map Book 7, page 119 in the Office of the Register of Deeds for Rockingham County, N.C.; the right of way being south of Lots 2, 4, 6, 8, 10 and 12, Section 1 and north of Lots 33 and 34, Section 2 as shown on aforementioned plat; said 30 foot right of way also being shown on the attached sketch.

BE IT FURTHER RESOLVED that the City Council does hereby call for a public hearing on the said closing to be held on the 21st day of November, 2023, at 6:00 P.M.

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

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

APPROVED, ADOPTED AND EFFECTIVE, this 17th day of October, 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 advised he would be happy to answer questions.

Mayor Hall noted copies were available online, in Eden's Own Journal and at the meeting.

CITY MANAGER'S REPORT
OCTOBER 2023

ADMINISTRATION DEPARTMENT

Marketing & Communications Office

We would once again like to thank everyone who made our RiverFest 2023 such a huge success! We had over 20,000 in attendance. We are already working toward 2024. See you next year!

MARK YOUR CALENDARS now for WINTERFEST! Our date is set for Friday, December 1 in Grogan Park from 5:30 p.m. until 8 p.m. This is going to be so much fun for little kids and BIG kids alike. The night will include an outdoor movie, games and inflatables, Brunswick stew and other treats, smore's bar, hot cocoa bar, tree lighting, characters, cool decorations and more. Don't miss it!

We are having such a beautiful FALL! Get outside and enjoy one of our beautiful rivers, trails or parks. Wherever you are in The Great Trails State and no matter how you choose to get out on a trail, be sure to follow Outdoor NC's Leave No Trace Principles – preserving the beauty of trails and minimizing impacts keeps things great for generations to come.

PARKS & RECREATION DEPARTMENT

Recreation Division

Bridge Street Recreation Center: The recreation center has been busy with daily walkers and fitness classes. We have transferred over to the after-school program with 35 students participating.

Mill Avenue Recreation: Pickleball is being played every Monday, Wednesday, Friday and Sunday afternoons. We are having open gym during the week for citizens that work can come play basketball. Volleyball is being played Tuesdays and Thursdays. Basketball season for the Prowlers is starting in November.

Mill Avenue Pool and Freedom Park Splash Pad: The pool and splash pad have closed for the season.

Freedom Park: Adult and girls fast pitch softball tournaments were still being held on the weekends. Holmes Middle School are also playing softball games at Freedom Park. The park is also very busy with Prowlers cheer and football.

Senior Center: Our seniors have been staying busy with all the programs that are provided. They are still planning a winter trip to Charleston later in the year.

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

Local Codes and Inspections

We are still receiving nuisance complaints either by phone or through our SeeClickFix App available to all citizens. While we still only have one inspector, complaints continue to be addressed in a timely manner and notices sent as needed. The inspector is also checking for other code violations as he sees them out in the field and submitting them to have notices sent to the property owners. Most abatements are being handled by outside contractors as Facility Maintenance is tied up with other duties.

Local Codes Inspections September 1– September 30, 2023

Total Local Code Inspections Performed 23

Local Code Notices Sent 20

Local Codes Abated 09

Inspection volume is steady. There were 210 inspections completed in the month of September. There was a total of 4 building permits issued for new single-family residences. The Carolina QuickCare project has started. The projected completion date is unknown at this time.

Boards & Commissions

The Board of Adjustment met for the month of September to review variance case V-23-02. The board approved the request of a variance to allow the construction of an accessory structure in front of the front building line of the principal structure due to the topography of the subject property located at 1740 Price Road (Zoned Residential Agriculture). Application submitted by Sara Saxer, owner of subject property.

The Community Appearance Commission met for the month of September and discussed future projects.

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

The Tree Board met for the month of September and discussed future projects.

The Planning Board met for the month of September to review Zoning Case Z-23-06 and street closing case SC-23-02. The Planning Board approved the map amendment request to rezone 34.44 acres located at the intersection of NC 14 and Harrington Highway from residential agriculture to business general due to an oversight during the UDO updates in 2021. Application submitted by Galen Shawver, owner of subject property. The Planning Board approved the street closing request of an unopened section of Burr Lane off of Jackson street. Petition submitted by Jeff Reynolds, adjoining property owner of subject closing.

Gus Shinn Mural Project

Staff coordinated with City staff, the artists, and other entities involved with the mural project and held a ribbon cutting for the Gus Shinn mural project on September 7 at 11 a.m. on site at Ramsey's Barber Shop located at 536 Morgan Road. The reception and response exceeded staff's expectations.

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 have received an expected ship date of November 2, 2023. We plan to transition to these firearms during our November/December yearly qualifications.

We ordered and received six 2023 Dodge Durango's. One Durango, assigned to administration, has been upfitted and is now in service. One is currently being upfitted and the remaining four are staged at the city shop.

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" and continue to see an overwhelming success rate with the utilization of our ALPR system.

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

Jerry Hacker was sworn in on September 6, 2023. Jerry comes to us from Reidsville Police Department with twenty years of experience.

Our three, full-time trainees in the RCC BLET Program are progressing well. All three have passed their POPATs and have passed every block of instruction to date.

FIRE DEPARTMENT

The Fire Department has received the new Scott air packs and they have been put in service. The two new trucks have been kitted out; the third truck (from Public Works) is in progress of being kitted out. All fire hydrants have been checked and tested per the annual fire hydrant maintenance/testing plan. The emergency siren relocation and upfit at Station #1 is progressing, the department is awaiting the contractor to mobilize on-site to complete the installation of this work.

PUBLIC WORKS DEPARTMENT

With the help of Design & Construction and RFQ was released and a response received to replace the equipment shed at Public Works that was damaged by straight-line winds approximately 1 year ago. Cirrus Construction was selected to do this work and negotiations have commenced on contracting for the design/build of this structure. A majority of the costs will be borne by insurance proceeds from the damaged structure which was torn down. It is estimated that a new structure will be ready by summer 2024. This will align with the decommissioning of the existing fuel facility and will allow the equipment shed to be moved so that the threat of straight-line winds moving forward is mitigated (the previous shed was damaged on two different occasions in the past). With the decommissioning of the current fuel facility, the awnings are planned to be repurposed to bring under shelter all plastic water/sewer pipe.

Streets

The Street Division is continuing their work on Monroe Street and are approximately 80% complete, in order to accommodate retail foot traffic work has occurred on weekends and early mornings so as not to negatively impact local business activity. Roadside vegetation maintenance is continuing and leaf season will be gearing up in another month. This division has balanced their projects and ongoing operations/maintenance activities with the installation of the new fuel system.

Construction

Construction crew has completed drainage work on Maryland Avenue and will be working on upgrading a waterline on Circle Drive followed by drainage improvements in the area of the Dog Park at Freedom Park. This crew has also assisted in the installation of the new fuel system.

Collections & Distribution

The Collections and Distribution Division continues to work on ongoing maintenance and repair, cutting the sewer outfalls and cleaning the sewer lines.

Solid Waste

Solid Waste Division continues their ongoing operations activities, they have received delivery of the new road tractor, and the new knuckle boom has been delayed again by approximately one month.

Fleet

Fleet Division has been very busy, making all the capital procurement items as needed and receiving many of the ordered assets in the first 90 days of the fiscal year. This represents a tremendous effort combing the talents of Fleet and the other departments/divisions and was especially important this year due to rolling stock supply change issues associated with industrial actions.

Utilities

Utilities are working on the north basin project, the re-design of a sewer collection main to serve Purina, and on-going efforts at modernization improvements at both the water and wastewater plant. The clarifier rehab is substantially complete, the sludge scraper is in process of being painted, and the VFD upgrades to the water plant have been ordered.

b. Legislative Grants in Aid 2023.

Mr. Mendenhall wrote in a memo: As part of the recently adopted North Carolina State budget, the City of Eden was awarded \$7,000,000 for water-sewer improvements and \$1,000,000 for recreation improvements (restricted to Freedom Park). I would like to take this opportunity to thank both Senator Phil Berger and Representative Reece Pyrtle for their help in securing these funds.

The following represents the spending plan for the water-sewer funds, and serves as an update to the EPA AOC.

City of Eden
 Remediation Plan Remaining Projects
 Revised Estimates 10/2023
 Prepared by Anita Robertson, PE

Contract Number	Project	10%				Total
		Construction	Contingency	Engineering	CA/CO	
1	I&I Reduction	\$ 500,000	\$ 50,000	\$ 28,000	\$ 28,000	\$ 606,000
3	Bridge Street Rehab Base Bid	\$ 5,500,000	\$ 550,000	\$ 165,000	\$ 303,000	\$ 6,518,000
3	Bridge Street Rehab Additives	\$ 8,864,000	\$ 887,000	\$ 266,000	\$ 488,000	\$ 10,505,000
4	Glovenia Relocation	\$ 5,384,000	\$ 539,000	\$ 270,000	\$ 297,000	\$ 6,490,000
5A	Junction Basin Rehab	\$ 1,803,000	\$ 181,000	\$ 55,000	\$ 100,000	\$ 2,139,000
5B	Smith River Rehab and Siphon	\$ 4,300,000	\$ 430,000	\$ 129,000	\$ 237,000	\$ 5,096,000
7	Dry Creek Rehab	\$ 1,600,000	\$ 160,000	\$ 48,000	\$ 88,000	\$ 1,896,000
	Total	\$ 27,951,000	\$ 2,797,000	\$ 961,000	\$ 1,541,000	\$ 33,250,000

1. The legislature was asked for funding to address an immediate non-EPA need associated with Kings Highway, staff estimates this cost at \$2,000,000.
2. The legislature was asked for funding to address EPA AOC compliance primarily associated with the siphon project for the balance of the \$5,000,000.
 - a. City staff have identified a FEMA BRIC grant for the siphon work and tying in other environmental enhancements in the vicinity, accordingly a NOI has been submitted to use FEMA BRIC funds for this purpose (which so far appears promising).
 - b. Should the FEMA BRIC funds come through the remaining \$5,000,000 from the legislature will be diverted to Contract #3 base bid.
 - c. By way of summary, the following represents the remainder of the work:
 - i. Contract #1 – City to request EPA for self-performance (City forces)
 - ii. Contract #3 – see above
 - iii. Contract #3 (additives) – engineering firm will be requested to break these into smaller projects that can be funded post-2024 and additional value engineering will also be requested.
 - iv. Contract #4 – EPA has consented to this being done after 2024.
 - v. Contract 5A – a follow-up legislative request will be made for 2024
 - vi. Smith River Rehab and Siphon – FEMA BRIC
 - vii. Dry Creek Rehab – a follow-up legislative request will be made for 2024
3. City staff intends to meet with the EPA and discuss the remaining year under the AOC and next steps to close-out this work. The intent of this meeting is to make a formalized request to end the AOC, devolve to State DEQ monitoring for a period of 5 years to complete any remaining work and to regularly report compliance to State DEQ (this will be known as the compliance monitoring period).

The following represents the spending plan for Freedom Park Improvements.

Statement of Need: Freedom Park is 25 years old, serves recreational needs as a regional park for residents throughout Rockingham County. Owned and operated by the City of Eden, the park is in need of improvements designed primarily around a need to address capacity/space challenges with high volume athletic programs and demands for service expansion for key programs.

Athletic Facility Expansion

1. In order to accommodate baseball/softball needs:
 - a. Convert Baseball Field #2 into 2, 200ft fields and 2, 100ft fields to meet the growing demand for youth sports 12U and under. This will result in a 6 field Liberty Fields baseball/softball complex. Estimated cost \$200,000
 - b. Renovate the playing surfaces of all fields. Estimated cost \$50,000
 - c. Add additional batting cages. Estimated cost \$10,000
2. In order to accommodate football and possibly soccer needs:
 - a. Add lights to the multi-purpose field. Estimated cost \$250,000
3. In order to accommodate a new sport, pickleball:
 - a. Add four lighted pickleball courts. Estimated cost \$220,000

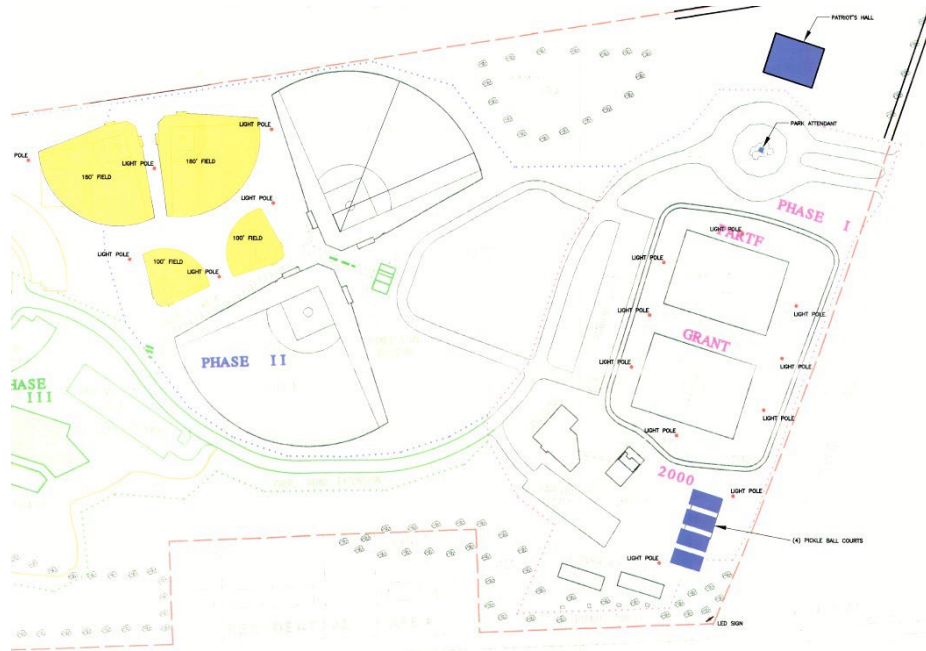
Community Facility Expansion

1. In order to accommodate the needs of additional community facilities:
 - a. Add Patriot’s Hall at the entrance to Freedom Park which would accommodate all season use as: banquet hall, picnic-shelter, program site (cornhole, exercise classes, etc). Estimated cost: \$225,000

Safety, Communication, Logistics

1. In order to address safety concerns:
 - a. Move the former putt-putt building to the park entrance to be used as a continuously monitored park office. Estimated cost: \$10,000
2. In order to address communications concerns:
 - a. Add an LED sign at the corner of Stadium and Edgewood for better communications with the public. Estimated cost: \$15,000
3. In order to address the crowd size and entrance gates in the Liberty Fields complex:
 - a. Make gate and entrance improvements. Estimated cost: \$10,000
4. In order to increase data/communication ability, install park internet (for POS terminals, security cameras, etc.). Estimated cost: \$10,000

Please see the below schematic that depicts the larger items in this spending plan.



Mayor Hall called on Mr. Mendenhall.

Mr. Mendenhall said as part of the recently adopted N.C. state budget, the City was awarded \$7 million for water and sewer improvements and \$1 million for recreation improvements with those funds restricted to Freedom Park. He wanted to bring the item before Council to do two things: to let them know the City had received the money and to also thank Senator Phil Berger and Representative Reece Pyrtle for all their help in securing the funds. Without their help the funds would not have been possible. He wanted to take the opportunity to thank them. There were a couple of things in the packet they needed to look at and discuss to do everything they could to update where they were on the EPA Administrative Order and also talk a little bit about Freedom Park. There was a spending plan set forth for the water and sewer funds. As it stood currently, the estimated EPA costs based on an October 2023 estimate from Anita Robertson with the City's engineering firm was itemized out. They could see that itemization running from Contracts 1 to 7. There was a moving complex EPA situation and it had been for some time. In 2003, the estimated cost of the sewer master plan was about \$99 million to complete. Three or four years before the price to complete had dropped to about \$15 million. Every bid they had received and every bid they had returned had been successively higher. The total estimated outstanding was \$33 million. Realizing they had the EPA Administrative Order deadline of 2024 and keeping in mind that some of the projects were not mandated to be complete by 2024, there was a strategy set forth and laid out they wanted to talk about to get some feedback on. The first thing was there was a non-EPA situation that could turn into an EPA situation. That was the degradation of the collection sanitary sewer main underneath Kings Highway. They went to the General Assembly to try and achieve funds to address that to the tune of \$2 million. That could be seen in Item 1. Under Item 2, they asked for the balance of \$7 million, \$5 million in total to be applied to what they then thought was the remaining \$15 million and then they would apply for some BRIC money. They identified some additional grant funds out there available. BRIC, Building Back Resilient Infrastructure, was a FEMA leverage grant and it was replacement of the old PDM, Pre-Disaster Mitigation grant. He went to a seminar the week before

on it and it seemed very promising. He thought the state total was 170 and it was pared down to 130. The City was still in the short list somewhere. There was what they called a notice of intent to process. The City had issued a very strong notice of intent and would know where that was working through the Planning & Community Development Department very soon. Should the City receive the BRIC funds, they would be applied to the Smith River rehab and siphon, which was Contract 5b. The remaining \$5 million would go to the base bid of Contract 3. By way of summary, the following would be left outstanding: Contract 1 was using City force account labor and supplies to flow monitor the I&I reduction. The City was tracking that. The state had a very nice tracking tool that anyone could go to and see the City's I&I-related sanitary sewer overflows decrease over time. Contract 3 would also be done with the \$5 million received in the legislative grant of aid. Contract 3, the additives, which had to be pulled because there was not enough funding at the time, totaled \$10,500,000. They would ask the engineering firm to break those smaller projects up into smaller bits and self-perform that work in the function of time as they moved forward into smaller, more manageable bits. The EPA had consented that Contract 4 could be done after 2024 so the City would have the ability to do that in a compliance monitoring period. They would anticipate going forward to legislature in the short session, meaning the upcoming year to make a request in 2024 for Contract 5a. They would also do that for Contract 7 – Dry Creek. Regarding the Smith River rehab and siphon, if the City were successful, they would apply and put the BRIC money received on the siphon. It was a roadmap that would get to 2024 in compliance with the EPA. The City would spend all the funds it had in an attempt to not have to go back and get a loan to do anything. That would take them to what came next after the EPA. He did not think there would be a door that would shut for them, it would slowly close. The EPA may turn the City loose, and give them to the state Department of Environmental Quality. That would be a compliance period they hoped would last about five years and could be as much as 10. The City would ask the EPA for that. During the compliance monitoring, the City would be on the hook for reporting any SSOs to show the ask that had been made in each budget and what had been done for maintenance, the feet of line that had been cleaned and cleared and that sort of thing. That period of compliance monitoring that went on after December 2024 was to do a couple of things, to ensure that SSOs did not increase again and to make sure the City was continuing to invest in the system and did not stop that level of operations, maintenance and investments. They wanted to make sure the City was doing what it was supposed to be doing. At that point, the City would go back to what they felt like was a normal environment, outside the EPA order, outside a compliance monitoring period. It would be approximately in the year 2029-2030 if all went to plan, operating like any normal municipal wastewater system. That was the plan. That was how the City planned to get there without trying to overburden the rate payer with any more debt. That was an important argument they needed to make with the EPA moving forward that if they overburdened Eden's operating system with too much debt, there would be no funds for the capital and maintenance required moving forward because it would always require investment. Everyone needed to understand that. It would always require capital investment. There would never be a time they could quit maintaining the sewer system or the water system. Every day they moved forward in time, the system got worse. They would always have to maintain something. If they did not address the degradation over time, they would be back in the same situation they found themselves in with the EPA. He wanted to pause to see if there were any questions or clarity needed. There were a lot of moving parts and a lot of money.

Council Member Underwood asked if it was possible in the near future that water rates could be lowered some.

Mr. Mendenhall said no, as a matter of fact he thought the rates would have to be raised.

Council Member Ellis asked how much money the City had paid the EPA.

Mr. Mendenhall thought that was a good question and he thought it was about \$33 to \$35 million. The money was not paid to the EPA but to the contractors. The EPA mandated all the work but did not give the City a checkbook to pay for it. Either the customer or ratepayer had to pay, or the City went out and sought grants and loans. The City was about loaned out as far as it could go because of the debt service situation. That was one reason the rates would have to go up, to pay for the debt service on all the loans. That was one other reason the City needed to leverage all the grants it could. Up until Covid, the City was getting water and sewer grants that were fairly good. Since that time, the amount of money from the federal government passed to the states had been very advantageous and a lot of money was available. It was a double-edged sword. There was a lot of money available but it had pushed the cost of doing business way up. Inflation on labor, equipment and materials cost twice as much. It was almost a wash of where they were.

Council Member Ellis asked how the SSOs had been in the past 36 to 48 months.

Mr. Mendenhall said it had been good. They had dropped from 15 to 16 down to three or four. They would never have a zero environment. The most recent one that came to mind was on Country Club Drive where some rags were in the sewer after being flushed. There was no way to stop that so the City responded and cleaned it up. It was not an I&I situation where there was water coming into the system but was abuse in the system. He believed the four they had in the last six months had all been from abuse-type related, things clogging the system.

Council Member Epps asked what percentage Mr. Mendenhall thought the water and sewer rates would increase.

Mr. Mendenhall said that was a good question. They would have two headwinds to look at. One was the debt service which was a pretty steady number. The other was the anticipated Duke Energy increase. The increase on the electric would have a direct increase on the operating margin of the water and sewer plants as they were very energy intensive. There was talk of an increase by Duke Energy of 18 percent. That was a very high water and sewer rate increase and he would not foresee it being that high. The City was going to have to figure out how to produce water and treat the wastewater and pay that electric bill. Until they knew what Duke's rates settled at, it would be hard to say what the City's increase would be. He would not anticipate a small rate increase, meaning one or two percent. It would be somewhere north of two percent, south of 15. Obviously, the City wanted to go as low as it could and did not want to take any more money from the taxpayers or ratepayers than they had to, but they also wanted to make sure they had a clean river and a clean drinking water system.

Council Member Moore said it was mind boggling how much money the City had to spend but it was something they had to do. If a group had done it maybe 30 years prior, the City might not be in the position it was currently in. If they did not do something and keep doing it and maintaining it, their children, grandchildren and great grandchildren would be in even a worse situation with prices and inflation. As much as they hated to do it, it was one of those things they had to do.

Mr. Mendenhall agreed.

Council Member Ellis asked for more information about the BRIC funds.

Mr. Mendenhall explained BRIC was one of the build back better programs from the federal government. Before it was BRIC, it was Pre-Disaster Mitigation. It used funds to alleviate problems, particularly flooding and disaster-related problems. BRIC was designed to not only deal with emergency management type problems, it was to deal with environmental problems. The siphon going underneath the Smith River was an excellent BRIC application, meaning the siphon underneath Kings Highway carried all the flow from the west side of the Smith to the east side to Mebane Bridge. If it failed, it would be almost like a trestle except it was all underneath the river. It would be a serious environmental problem. It was all original work. It was in the protected area Rockingham Community College owned. It was something that checked a lot of boxes on the BRIC application. The City was hopeful it would fund some of the work.

Council Member Ellis asked about the work that would be done.

Mr. Mendenhall said it would be contracted like all the other work that had been done. He moved to Freedom Park improvements which was midway on page two of the memo. He noted Freedom Park was 25 years old. It served recreational needs as a regional park. Pulling traffic data they had showed visitors far north into Virginia, far south into the middle part of North Carolina and into the Triangle. It was truly a regional park. It was owned and operated by the City and needed some improvements designed primarily around a need to address capacity and space challenges. The City's athletic programs had come back with very good numbers and they were very pleased. It was a positive thing. There were some demands for service expansion for key programs. He wanted to provide an idea of what they were thinking about and how it was pitched to the people in Raleigh for funding. Knowing they had athletic facilities that were 25 years old, athletic facility expansion was the first rule of business with three aspects. In order to accommodate baseball/softball needs, the plan was to convert Baseball Field #2 into two, 200-foot fields and two, 100-foot fields. The City's service area was primarily 12U and under so it would help serve them but would also preserve capacity for the adults. Instead of having three fields of play, there would be six. The playing surfaces would be renovated by removing the brick dust and making it like a clay environment, upping the level of play, as well as doing some things to improve the grass quality on the outfields. Batting cages would be added as well. Lights would be added to the multipurpose field to accommodate primarily the Prowlers football program, but possibly soccer as well. That would be installing lights to light the field. Currently now when it started getting darker, the Prowlers moved to the baseball complex and used those lights where they played in the outfield. It worked, but it was not real good for the baseball facility. It would enable soccer, which they were not trying to do currently.

They wanted to do really well with the programs they had without expanding too quick. The third item was an expansion which was to add four dedicated, lighted pickleball courts. Pickleball was an up-and-coming sport.

Mayor Hall wanted to point out that lighting the multi-purpose field would light the walking track which was something people had wanted for a long time.

Council Member Ellis thought it was great to be able to get the funds from the state which were facilitated by Senator Berger and Representative Pyrtle. Recreation programs which had been declining were now inclining. The youth programs were moving in a positive direction. He was glad the fields were being reworked to accommodate the youth programs and that the fencing would not have to be moved. The facility would be extremely nice after this work was done. It would be a big plus. He asked if a 100-yard field would be put out for the youth games or if the field would just be lighted.

Mr. Mendenhall said staff had talked about a play facility for the Saturday ballgames and not just for practice. There were some competing ideas. It would be good and positive to have that there, but there was another idea that was attractive to him and that was the Prowlers would eventually be Morehead High School players. They were trying to encourage the players to have a lifelong commitment to an active lifestyle and to sports and athletics because there were a lot of positives to those. By having them go and play at Morehead and have that experience, they were modeling that experience for them as they grew up. That was something he thought was very positive experience that not every youth got to do. As a youth player, they were able to see and feel that on that field. That could be the player's goal as they got to high school. The City wanted to model that for them. It was compelling. It was something positive for them.

Council Member Ellis said he thought it was outstanding, naming of Liberty Fields. It was a positive for the City.

Mr. Mendenhall said under Community Facility Expansion, a community facility called Patriot's Hall would be added. It would be an all-seasons type picnic shelter for banquets, picnic shelters, program sites for the expanding cornhole program the adults were playing in, exercise classes and the like. Under Safety, Communications, Logistics, the former putt putt building with the red roof on it would be moved to the park entrance and they would try to staff that with some part timers so there was a little bit better security in the park and people felt more comfortable. The park was a perfectly safe place to be but sometimes there was a perception that there was not an employee there at the gate. They wanted to correct that impression moving forward. There would be a lot more people using the park so it was important they be greeted in a manner so they realized it was a supervised space, it was not unsupervised if that made sense. Staff would add some communication to the park, one being a LED sign at the corner of Stadium and Edgewood. There would also be some gate and entrance improvements to the ballfield complex as well as doing some data upgrades, primarily to support moving away from a cash handling environment to point-of-sale terminals. The new thing was an i-pad with a swipe so a card could be swiped to pay so they would not have to have all the cash handling and other avenues to pay. They would also add additional security cameras.

Council Member Ellis asked in regards to 1(a) converting of the baseball field if there would be anymore parking around the entrance to the four new fields.

Mr. Mendenhall said not at the present. Staff felt the parking at the amphitheater was rarely used at the same time as play going on at the fields. There were sidewalks there that could be used to get to the field facilities. Staff felt there was ample parking because a lot of the activities did not occur at the same time. They occurred sporadically throughout the day or week.

Council Member Ellis noted there was also parking available at the water tower.

Mr. Mendenhall agreed.

Council Member Underwood asked if the City was able to come close to hiring a park ranger.

Mr. Mendenhall said the positions were budgeted but there had been no applicants. He thought the Police Department was continuing to work on that going forward. Staff would like to see some on the greenways as well as Council Member Underwood had pointed out in the past. He thought it was important to do that. If Council knew of anyone, they were encouraged to apply.

Mayor Hall said the funds that came from the state were not easy to get. A lot of work went into getting the funds. He, Mr. Mendenhall and Prowlers Director Ben Curtis traveled to Raleigh and met with Senator Berger and other senators, as well as members of the House of Representatives and pled the City’s case for the grants. There were long negotiations and staff was not sure what could be done for the City. He, Mr. Curtis, Council Member Light and former Assistant City Manager Clint Simpson went back toward the end of the session to share how important the projects were. Mayor Hall was optimistic about the \$7 million for the water and sewer because it was a big concentration of federal on down to local. Mr. Curtis had stayed on the Freedom Park issue and Mayor Hall could not wait to see the project come together. He thanked everyone who worked on it, especially Senator Berger and Representative Pyrtle for going to bat for the City.

Council Member Underwood wanted to thank them all as well.

CONSENT AGENDA:

- a. Approval and adoption of the September 19, 2023 regular Council meeting minutes.
- b. Approval and adoption of Budget Amendment #3.

Assistant Finance Director Amy Winn wrote in a memo: The attached budget amendment appropriates fund balance for insurance proceeds that were received in FY 22-23 for the Spray Cotton Mill fire. This covers the purchase of fire hose that was damaged in the fire.

	Subject:	Budget Amendment # 3			
	Account #	From	To	Amount	
General Fund					
Revenues					
GF Fund Balance Appropriated	10-3991-99100	\$ 1,160,000.00	\$ 1,173,500.00	<u>\$ 13,500.00</u>	
General Fund					
Expenditures					
Fire Safety Equipment	10-4340-21300	\$ 7,500.00	\$ 21,000.00	<u>\$ 13,500.00</u>	
Appropriates insurance proceeds received in FY 22-23 to replace fire hose.					
Adopted and effective this 17th day of October, 2023.					
Attest:					
_____ Deanna Hunt, City Clerk			_____ Neville Hall, Mayor		

- c. Approval and adoption of Budget Amendment #4.

Ms. Winn wrote in a memo: The attached budget amendment appropriates remaining funds received from the NC Office of State Budget & Management in fiscal year 2022-2023 for the purchase of the new fuel system at Public Works.

Subject:		Budget Amendment # 4			
	Account #	From	To	Amount	
General Fund Revenues					
State Grant	10-3412-42000	\$ 360,000.00	\$ 627,800.00	<u>\$ 267,800.00</u>	
General Fund Expenditures					
Fleet Maint C/O Equipment - Depr	10-6920-57000	\$ -	\$ 267,800.00	<u>\$ 267,800.00</u>	

Appropriates State grant funds received for the fuel tank system.

Adopted and effective this 17th day of October, 2023.

Attest:

Deanna Hunt, City Clerk

Neville Hall, Mayor

A motion was made by Council Member Ellis to approve the consent agenda. Council Member Underwood seconded the motion. All members present voted in favor of the motion. The motion carried 6-0.

ANNOUNCEMENTS:

Mayor Hall said Council wanted to congratulate Eden Parks & Recreation’s own Carla Huffman who won the Senior Games Doubles Pickleball State Championship over the weekend with Tracy Case of Mayodan. It was the second year in a row Ms. Huffman won the state championship for her age bracket. He congratulated Ms. Huffman and asked for a round of applause. He noted Treat Street would be held Friday, Oct. 27 on Washington Street from 3 to 6 p.m. On Saturday, Oct. 28, The Boulevard would be having their Boo-levard celebration from 1 to 4 with Halloween at Freedom Park from 2 to 5. A special Council meeting would be held Thursday, Nov. 2 at 5:30 p.m. to expedite applications for grant funding the City was applying for.

Council Member Moore said for the last several weeks he had been to the Mill Avenue Recreation Center when the girls volleyball was being played. He had seen a vast improvement in the players and how they were coming along. It was impressive. The previous Thursday, there were no parking spots on either side of the building. The stands on both sides of the gym were packed. The girls playing were having a good time. That was something the City probably should have started five years before because it would be a feeder program, as Mr. Mendenhall had discussed, for the middle school and then high school. He encouraged everyone if they had a chance to go on a Tuesday or Thursday to watch the third through eighth graders.

Mayor Hall said the City’s youth sports were headed in the right direction. He was confident of that.

Council Member Underwood asked Ms. Stultz if they were still looking good for Eden Fire Station 2.

Ms. Stultz indicated they were.

ADJOURNMENT:

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

Respectfully submitted,

Deanna Hunt
City Clerk

ATTEST:

Neville Hall
Mayor

CITY OF EDEN, N.C.

A special meeting of the City Council, City of Eden, was held on Thursday, November 2, 2023 at 5:30 p.m. in the conference room at City Hall, 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 - absent
	Bernie Moore
	Bruce Nooe
	Tommy Underwood
City Manager:	Jon Mendenhall
City Attorney:	Erin Gilley
City Clerk:	Deanna Hunt
Media:	Roy Sawyers, Rockingham Update

MEETING CONVENED:

Mayor Hall called the special meeting of the Eden City Council to order and welcomed those in attendance. He noted the issue on the agenda was time sensitive and could be a great opportunity for the citizens.

CONSIDERATION TO APPROVE AN APPLICATION FOR THE CDBG-NR PROGRAM:

Mayor Hall called on Planning & Community Development Director Kelly Stultz.

Ms. Stultz said Council was familiar with the CDBG-NR (Community Development Block Grant – Neighborhood Revitalization) program as one was in progress in Draper and had been for the past two to three years and was about to finish up. The target area for a new CDBG application was around the old Boys Club. Staff was not released to make application as early as they wanted to because of the Draper grant. Council needed to adopt a resolution. The application included an application summary, federal requirements and certifications, certification of ability and signature, disclosed report with signatures, state CDBG program regulations, disclosure of civil rights complaints, certifications regarding the bond and other responsibility matters. The application required 28 signatures from the Mayor which staff would get if the resolution were approved. Staff would seek the maximum amount of funding that could be applied for. Many of the citizens needed better quality housing than they had. She referred to a spreadsheet and noted one of the families made 10 percent of the median income of the community, which was \$43,000. There were none close to median. They were the kind of people who needed help, and staff wanted to help them.

Mayor Hall noted he had signed one the other day where the housing work was worth \$165,000 to rehab a house on Fieldcrest Road.

Ms. Stultz said in every one of the Draper CDBG-NR houses that had been done, staff had to go back and request to spend more money on the individual houses because the cost of building had gone up so dramatically and because of the conditions of the property.

Mayor Hall said that showed the program worked.

A motion was made by Council Member Ellis to approve an application for the CDBG-NR program. Council Member Underwood seconded the motion. All members of Council present voted in favor of the motion. The motion carried 6-0.

RESOLUTION FOR CITY OF EDEN APPLICATION FOR
COMMUNITY DEVELOPMENT BLOCK GRANT-NEIGHBORHOOD REVITALIZATION FUNDING

WHEREAS, the Eden City Council has previously indicated its desire to assist in community development efforts for housing within the city; and,

WHEREAS, the Eden City Council has held two public hearings concerning the proposed application for Community Development Block Grant funding to benefit primarily low-to-moderate income individuals in the city by providing housing improvement activities; and,

WHEREAS, the Eden City Council wishes to pursue a formal application for Community Development Block Grant funding to benefit primarily low-to-moderate income individuals in the city by providing housing improvement activities; and,

WHEREAS, the Eden City Council certifies it will meet all federal regulatory and statutory requirements of the State of North Carolina Community Development Block Grant Program;

NOW, THEREFORE BE IT RESOLVED, by the Eden City Council that the city is authorized to submit a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant-Neighborhood Revitalization Program in order to provide housing improvement activities benefitting primarily low-to-moderate income individuals in the city.

Adopted this the 2nd day of November 2023, in Eden, North Carolina.

By: Neville Hall, Mayor

Attest: Deanna Hunt, City Clerk

ADJOURNMENT:

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

Respectfully submitted,

Deanna Hunt
City Clerk

ATTEST:

Neville Hall
Mayor



Planning and Community Development Department

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

MEMO

To: Honorable Mayor and City Council

Thru: Jon Mendenhall, City Manager

From: Kelly K. Stultz, AICP, Director

Subject: Collection of Nuisance Abatement Fees

Date: November 8, 2023

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

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

The attached is a list of properties which have had nuisance violations from March 1, 2023, to May 31, 2023, and the costs associated with the abatement of the violation (copies of the invoices have been delivered to the City Clerk with the Order of Collection).

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

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

STATE OF NORTH CAROLINA

CITY OF EDEN

To the Tax Collector of the City of Eden:

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

Witness my hand and official seal, this 21st day of November, 2023.

CITY OF EDEN

_____(SEAL)
Neville A. Hall, Mayor

ATTEST:

Deanna Hunt, CMC
City Clerk

March 1, 2023 - May 30, 2023 Nuisance Fees

Acct No	Street No.	Street Name	Owner	Date Billed	Amount Billed
249		Ellerbe Ct	Covington, Darrell & Sharon (mow)	05/31/23	275.00
35	607	Fieldcrest Rd.	Deboe, Eglia (mow)	05/31/23	350.00
49	209	Moir St.	Ostwalt, Samuel O. (Mow)	03/01/23	700.00
55	722	Morgan Rd	Hale, Jesse T. & Barbara B./Quality Cleaners (cleanup fire debris)	05/31/23	820.00
104	1420	Price Rd	HS Nolen General Contractors (mow & remove junk)	05/31/23	1,950.00
99	422	Price St.	Mozingo, Shaun Kyle & others (mow)	06/30/22	175.00
269	610	Riverside Dr.	Dorothy Jefferson & Others (mow)	09/30/22	950.00
289	626	Spring St.	Dock Roland Pulliam Estate (remove junk)	09/30/22	800.00
333	108	The Boulevard	Maddison, Frances Hedrick (Remove trash and junk)	03/01/23	2,600.00
					8,620.00



Planning and Community Development Department

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

MEMO

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Kelly K. Stultz, AICP, Director
Subject: Collection of Demolition Costs
Date: November 8, 2023

The property at 204 N. Hamilton Street was the subject of a housing code action and the structure situated on the property has been demolished pursuant to an Ordinance adopted by the Eden City Council. The cost of the demolition was \$5,500.00.

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



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: **FEMA BRIC Grant**
Repairing shoreline and siphon system for “greener” rivers
Date: November 15, 2023

The City of Eden filed a Letter of Intent with the North Carolina Department of Public Safety for this year’s BRIC submission by the State to FEMA. We received notice on October 18, 2023, that the City’s project does meet enough of the program’s funding priorities to move forward to the full application. The amount requested is \$5,250,000. The deadline for the application submission to NCEM is December 4, 2024.

A brief description of the project included in the Letter of Intent is as follows: The City of Eden in Rockingham County intends to submit a FEMA BRIC grant application to address wastewater system deficiencies and vulnerabilities in addition to riverine flooding vulnerabilities and address green transportation infrastructure. Important shoreline repairs and reconstruction at the convergence of the Dan and Smith Rivers are required to increase resiliency of the City’s wastewater treatment plant. As part of the resiliency measures, repair of the wastewater system’s siphon system will be required.

The City of Eden is a regional member of the PTRC and participates in the Northern Piedmont Regional Hazard Mitigation Plan that was adopted on June 21, 2022.

The NCEM-HM planning team reviewed the hazard mitigation plan and determined that an amendment is needed in order to proceed with the BRIC grant.

Attached is the amendment and we ask that you consider and approve this amendment at the November City Council meeting.



City of Eden

P. O. Box 70
Eden, NC 27289-0070
(336) 623-2110
Fax (336) 623-4057



Amendment Two, Northern Piedmont Regional Hazard Mitigation Plan Approved and Adopted June 21, 2022.

Sections: Section 9, Mitigation Action Plan, page 9-89.

Upon adoption by The City of Eden, NC on November 21, 2023, the following is an amendment to the above referenced Regional Hazard Mitigation Plan to meet the plan/proposal consistency requirements of the FEMA BRIC Program. This amendment will be incorporated into the body of the Northern Piedmont Regional Hazard Mitigation Plan on the next regularly scheduled update.

Whereas: The City of Eden, NC participates in the Northern Piedmont Regional Hazard Mitigation Plan and,

Whereas: The City of Eden wishes to be an eligible participant in the Federal Emergency Management Agency's BRIC Program and,

Whereas: The North Carolina Department of Public Safety Division of Emergency Management, Hazard Mitigation Section has identified certain required amendments to the aforesaid plan in order to meet eligibility requirements.

Whereas: The North Carolina Enhanced Hazard Mitigation Plan identifies certain goals, strategies and actions designed to address local government assistance demonstrating a coordinated and comprehensive statewide mitigation effort.

Whereas: The State of North Carolina Enhanced Mitigation Plan is consistent with the guidance and requirements of the FEMA Unified Hazard Mitigation Assistance suite of programs providing assistance to local governments in securing funding through various programs is identified in the Goals, Strategies and Actions Sections of the NC Enhanced Hazard Mitigation Plan Approved February 13, 2023.

Section 2 Planning Process

Part 2.6.2 page 2-16 (pdf 45) addresses integration with FEMA's Unified Hazard Mitigation Assistance Program

Section 5 Mitigation Strategy

Part 5.4.2.3 page 5-8 (pdf 474) addresses state assistance given to local governments in pursuit of funding sources including the UHMA suite of funding.

Mitigation Action NC-2 page 5-14 (pdf 480) identifies a comprehensive list of mitigation actions that NCEM-HM will pursue in partnership with local governments.

Project types that fall under this action could include, but are not limited to: Acquire properties that are located in areas vulnerable to hazards. Elevate properties that are located in areas vulnerable to flooding. Structural retrofits for structures that are vulnerable to wind events. Non-structural retrofits for structures that are vulnerable to earthquakes/geological events. Analyze building stock to identify potential structures that could be mitigated. Provide funds for purchase of conservation easements or purchase of land within floodplain. Identify properties to be acquired that will support mitigation by coordinating with other entities (such as the Clean Water Task Force) to leverage other funding sources for acquisition to support additional state mandated goals. Develop funding source (with hazard funds) targeted to areas most vulnerable to earthquakes, sinkholes, and landslide/geochemistry for acquisition and/or conservation easements. Promote safe room construction and help provide safe havens/rooms in areas with extremely vulnerable populations. Projects that include dam safety training for state personnel, increase in the number of dam inspections, increase in the submittal and testing of dam Emergency Action Plans, more timely review and issuance of permits, improved coordination with state emergency preparedness officials, identification of dams to be repaired or removed, conducting dam safety awareness workshops and creation of dam safety videos and other outreach materials. Projects to provide technical, planning, design and construction assistance for rehabilitation of eligible high hazard potential dams. Encourage applications for Advance Assistance funding and Capability and Capacity Building funding to allow communities to secure assistance with identifying and quantifying problems and solutions with the goal of preparing quality funding proposals/applications.

Now Therefore, in order to demonstrate compliance with guidance from the North Carolina Department of Public Safety (DPS) and the Federal Emergency Management Agency (FEMA) concerning participation in the FEMA BRIC Program, The City of Eden hereby adopts the following Amendment Number Two to the Northern Piedmont Regional Hazard Mitigation Plan adopted June 21, 2022. This amendment applies only to The City of Eden and its involvement in various state and federal funding and mitigation programs.

Amendment Two, Northern Piedmont Regional Hazard Mitigation Plan;

A) **Section Nine** of the plan, Mitigation Action Plan identifies mitigation actions for the City of Eden. The table of actions on pdf page 351 (9:89 in the plan) Section 9 City of Eden Mitigation Actions is hereby amended to include the following measures:

Mitigation Action PP-2

- Description: Repair shoreline along the Dan and Smith Rivers, repair the wastewater siphon system, and construct a greenway along the Kings Highway corridor.
- Hazard Addressed: Flooding, Dam Failures
- Relative Priority: High
- Lead Agency/Department: City Administration
- Potential Funding Sources: FEMA HHDPR, BRIC, Local Funding
- Implementation Schedule: **2024**
- Implementation Status: Applying for funding 2023.

This amendment will be incorporated into the next regularly scheduled update of the Northern Piedmont Regional Hazard Mitigation Plan.

Adopted this, the 21st day of November, 2023 by City of Eden, NC

CITY OF EDEN

BY: _____
Neville Hall, Mayor

ATTEST:

Deanna Hunt, CMC
City Clerk