

The regular meeting of the City Council, City of Eden, was held on Tuesday, November 21, 2023 at 6 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meeting were as follows:

Mayor:	Neville Hall
Council Members:	Gerald Ellis
	Jerry Epps
	Kenny Kirkman
	Greg Light
	Bernie Moore
	Bruce Nooe
	Tommy Underwood
City Manager:	Jon Mendenhall
City Attorney:	Erin Gilley
City Clerk:	Deanna Hunt
Media:	Mike Moore, Mike Moore Media
	Roy Sawyers, Rockingham Update

MEETING CONVENED:

Mayor Hall called the regular meeting of the Eden City Council to order and welcomed those in attendance. Pastor Jackie Valentine, Ambassadors for Christ Ministries, gave an invocation followed by the Pledge of Allegiance led by the Eden Prowlers.

PROCLAMATIONS AND RECOGNITIONS:

a. Prowlers recognition.

Mayor Hall said there would be recognition of the Prowlers program and its success over the past fall. It was growing and doing good things. He called Parks & Recreation Director Ray Thomas forward.

Mr. Thomas said the City took over the Prowlers a few years back and it had been a successful program. Football and cheer programs covered ages 5 to 12. Volleyball was started that year and covered second through ninth grades. Football had a total of 113 players with 97 people practicing on day one. The program ended after 15 weeks, 44 practices and nine games. There were 91 players who finished the season. That was good retention. It was not always how you started, it was how you finished. The players won Division II championships on November 5 at Northern Guilford which was a big accomplishment. Four teams played and did very well with that. He thanked City Manager Jon Mendenhall, Council and Mayor Hall for their support. It was a big undertaking. The cheer program was also big with 41 youth signed up with 33 showing up day one. After 15 weeks and 30 practices, the program finished with 32 girls. There was a good volleyball program going on with 48 players finishing the program. Between football, cheer and volleyball, there were 205 youth participating. He asked the players to come forward with their coaches.

Mayor Hall said it was nice to see the red, black and white unified colors for the City sports representing the Morehead Panthers and the goal to push the youth eventually into the high school programs and keep the youth involved in as many sports as they could. It had been an adventure that involved a lot of adults as well as the kids. There were many coaches. The players would not be at practice and the games if the parents, grandparents, aunts, uncles and neighbors did not bring them. He recognized Ben Curtis who had the original idea to start the Prowlers at the City. It had continued to grow and the City would love to see it grow even more. He presented trophies for the Piedmont Triad Youth Football League 2023 10U Tackle Division II Champions, 12U Tackle Division II Champions, 8U Tackle Division II Champions, and the Flag Division II Champions. He said there had been a lot of hard work, plus financial commitment from Council and the manager for investing in the youth. They were glad to have the program in Eden and looked forward to watching it grow.

SET MEETING AGENDA:

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

PUBLIC HEARINGS:

- a. Consideration to adopt an ordinance closing an unopened portion of Burr Lane.

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



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

Ms. Stultz said for the last couple of meetings they had been going through the process to close the unopened portion. It had been advertised and letters sent to the utilities. All owners had signed in agreement. Staff asked Council to adopt the ordinance.

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

A motion was made by Council Member Underwood to adopt the ordinance closing an unopened portion of Burr Lane. Council Member Ellis seconded the motion. All members voted in favor of the motion. The motion carried 7-0.

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

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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 Hall, Mayor

Attest: Deanna Hunt, City Clerk

REQUESTS AND PETITIONS OF CITIZENS:

Mayor Hall asked City Attorney Erin Gilley to read the policy for speakers, which she did.

Rhonda Laster, 1427 Delaware Avenue, wanted to thank Council for the pickleball courts that would be located in Freedom Park. She had been playing pickleball over 10 years in Draper at the recreation center. The courts were taped off. She would like to address that. Maybe in the future when the gym was resurfaced the lines on the courts could be painted. The other issue related back to Freedom Park. There was a very nice amphitheater. She and many other people enjoyed the music there. Along with the music, they liked to dance. Dancing in the grass

in front of the amphitheater was not very safe. Someone could trip and fall. She would like to see some type of platform, even a concrete one, to dance on. That would be great. Stairs could be put up going down to the amphitheater, as well as seating. There were a lot of improvements that could be done.

Mayor Hall said he was glad she enjoyed pickleball. The City would have some nice courts. They were spending a lot of money at Freedom Park. It was 25 years old. Council had discussed it last month. There were a lot of improvements coming but they were open to other improvements that could be brought to it. He thanked Ms. Laster for bringing attention to those.

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 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).

Mayor Hall called on Ms. Stultz.

Ms. Stultz asked if any members had appointments.

Council Member Epps nominated Fred Ramsey to continue on the Planning Board.

Council Member Nooe hoped to have his by the next meeting.

Council Member Kirkman nominated Beth Pulliam to continue for the Historic Preservation Commission and Jim Ivie to continue for the Tree Board.

Mayor Hall nominated Steve Morgan to continue as the ETJ appointee for the Planning Board to be approved by the Rockingham County Board of Commissioners.

A motion was made by Council Member Ellis to appoint Fred Ramsey and Steve Morgan for the Planning Board, Jim Ivie for the Tree Board, and Beth Pulliam for the Historic Preservation Commission. Council Member Moore seconded the motion. All members voted in favor of the motion. The motion carried 7-0.

Ms. Stultz asked Council Member Epps if he meant to reappoint Louise Price to the Historic Preservation Commission.

Council Member Epps advised yes.

NEW BUSINESS:

- a. Consideration to adopt the re-codified Code of Ordinances.

Ms. Gilley wrote in a memo: 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.

Mayor Hall called on Ms. Gilley.

Ms. Gilley said staff contracted with American Legal Publishing Corporation to recodify the City Code of Ordinances so that it was available digitally and in hard copy to all staff and the public, including accessibly to persons with disabilities. American Legal had completed a comprehensive review of the entire code and suggested minor changes, such as updated citations correlating with the N.C. State Statutes, and formatting changes that made the code easier to read and interpret. In the process, staff took the opportunity to update outdated regulations and areas of the code that needed updating. Council has been presented with the comprehensive, updated code. Council had received digitally a redlined version that showed changes made by American Legal and reviewed by staff, as well as changes staff was presenting. The substantive changes made focused initially on the General Assembly's criminal justice reform bill enacted a couple of years ago - Senate Bill 300 - which limited a municipality's ability to impose criminal penalties on a number of ordinances. With that in mind, she reviewed the entire code and 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. The bill took the ability to do that away. Chapter 1 had to be revised to take out the reference to general penalties and substituted that when the City had the authority to impose criminal penalties, the ordinance had to specifically designate that. Staff went back to each ordinance and took out the criminal penalties that were not allowed. The General Assembly took those out of businesses and trades, which was Chapter 7 - Licenses, Permits and Business Regulations. That left just civil penalties for a violation of those ordinances. The changes could be seen in red. Chapters 3, 5, 6, 7, 8, 12 and 13 were revised to comply with the General Statutes. Chapter 2 contained a substantive change correlating to the General Statutes as well in which the value of the City Manager's authority to dispose of property was increased from \$5,000 to \$30,000. In addition, due to several chapters being moved to the Unified Development Ordinance, there were gaps in the chapters which had now been reserved. As a result, Chapter 16 Utilities was now Chapter 15. Chapter 16 would now be reserved, as was 17, 18 and 4. Staff recommended Council adopt the comprehensive amendment to the code, after which staff would get the final version to American Legal to be put online. Any changes made by Council at a meeting would be sent to American Legal and it would be updated online as soon as possible.

Mayor Hall said he thought what Ms. Gilley was explaining was that the ordinances were being made in line with state laws, and making them more accessible and easier to find online, which would be more transparent.

Ms. Gilley agreed and said the updates would be online quicker as well.

Council Member Ellis asked about the existing code books and if they would be updated.

Ms. Gilley said the intent was to update those and get them to Council. Council would have to continually update those just like they did now. But Council would also be able to go online.

Mr. Mendenhall said Council would be able to set their old books aside, although it may be helpful to keep as a reference. They would get a new book that would be complete when received. As changes were made through the years and in the months ahead, a circular would come out with instructions on removing old pages and inserting new pages. If people did not maintain their books, they would always be out of date but the information online would be up to date. That was a problem they had in the past with no current copy and that should solve itself going forward.

A motion was made by Council Member Underwood to adopt the re-codified Code of Ordinances. Council Member Epps seconded the motion. All members voted in favor. The motion carried 7-0.

b. Introduction and reports on social districts.

Ms. Gilley wrote in a memo: 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.

Mayor Hall called on Ms. Gilley, Ms. Stultz and Main Street Director Ken White.

Ms. Gilley said Council requested the staff to prepare and present a report on social districts for the Leaksville commercial district. Based upon this request, staff prepared a PowerPoint presentation to help provide an understanding of the history of the social district legislation and how a social district had worked in other areas of the state. She had created a draft ordinance and a draft management and operations plan for Council's review to show how a social district worked should Council decide to implement one. A map showing the boundaries would have to be drawn and approved by Council. There was not a proposed map yet. If Council chose to proceed, staff would like to take the opportunity in the next few months, led by Mr. White and EDDI liaison Council Member Light, to have public meetings with merchants and the EDDI for input to be gathered, businesses to be evaluated on their participation and a proposed map would be based on business participation. The process needed to be driven by the merchants and businesses. Given the desire for public participation, the tentative framework for the project was to include merchant meetings in December and January, and hopefully bring a proposed finalized map and ordinance back to Council for a vote at a public hearing possibly in February. There was the possibility that the social district would create a need for additional City services, such as trashcans and signage, etc., so staff would prepare a report to Council on these additional needs and costs based on participation from the public.

Mr. White said Ms. Gilley went through the rules. He would review the what, where and that kind of thing. He started the PowerPoint. In September 2021, Governor Roy Cooper signed into law Bill 890, which allowed local

cities to create social districts in response to the end of covid because restaurants and small businesses had been hit so hard. It was an economic development tool to drive foot traffic. A social district was defined as an outdoor area where alcoholic beverages, sold by a licensed establishment, may be consumed. Presently, there were more than 40 social districts in the state. Through his contacts in Main Street, he knew there were several other cities going through the same process as Eden. Council had been provided the list of cities who currently had social districts and those highlighted were Main Street cities and were comparable to Eden's size and downtown districts. The why of creating a social district was in response to a request from the EDDI and Uptown merchants who asked the Planning and Community Development Department to research communities use of social districts. Uptown Eden offered a distinctive and vibrant downtown experience in Rockingham County that set it apart from the other surrounding communities. Nearby communities had already implemented or were exploring the establishment of the districts. Uptown Eden was known for setting the bar high with exciting events such as RiverFest, Oink & Ale and Ladies Night Out. They wanted to make sure the downtown stayed relevant. The implementation of the Leaksville Commercial Social District would give Uptown Eden a unique opportunity to market the area as an entertainment destination, as well as providing another layer to how the City could economically stimulate the individually-owned businesses. The district would be able to promote new options that would bring regional and out-of-town visitors to Eden due to the diversity of offerings which all types of visitors would be able to enjoy.

Mr. White said to dispel rumors that he had heard from other Main Street people: a social district did not create a right to break rules or laws; did not encourage drunkenness in public or over consumption; did not encourage underage drinking; and did not allow people to bring their own alcohol. There would be no brown bagging in the district. He had a list of frequently asked questions from other cities going through the process: Can I bring my own alcoholic beverage into a social district? No. There would be no brown bagging. Can I take an alcoholic beverage in my social district cup home with me? No. The boundaries would be clearly marked with trashcans at each of those boundaries. Participants would be asked to throw their cups away.

Council Member Ellis asked for an explanation of what boundaries meant.

Mr. White said that would be on the next slide. He continued with the questions: What if I am a retailer, and do not want alcohol inside my business? All businesses located within the boundaries after the map was drawn would have the opportunity to opt in or out, and would be clearly marked as such. Just because a business was located inside the boundary did not mean they had to allow alcohol in their place of business. What happens if I leave the social district boundaries with an alcoholic beverage? The same thing that would happen if someone were walking down the street without it. Outside the social district boundaries, there were open container laws and someone could be arrested and charged. How will the social district be enforced? Through Alcohol Law Enforcement (ALE) and local police who had jurisdiction in the area. How will the social district boundaries be marked? Sign requirements were very clearly drawn out in the state statute which included what had to be on the sign. The sign must be doubled sided and say entering social district to which the reverse of the sign would say no alcohol past this point. It would be very clearly defined at each entrance and exit. How will participating businesses be identified? There would be window clings designed with the social district logo on there and something like 'no alcohol past this point' or 'welcome social district – you can bring alcohol in.' Mr. White presented a map with the boundaries for the Old Leaksville Tax District but it was not the boundaries to be used for the map. The social district boundaries would be within the tax district's boundaries. After the public meetings, staff would know clearly who wanted to take advantage and who did not of the social district, and they would be able to draw a map within the tax district boundaries. He presented a map of a social district from downtown Pilot Mountain. The orange showed the original social district area while the green showed that it had grown to almost double the size in a year. The timeline was that in December he would be talking with all the merchants to come up with a date and place to have a merchant meeting to find out which merchants wanted to take part so staff could come up with a map. A merchants meeting would be held in January and there would a map where merchants could mark if they wanted to participate or not. The Internal Technical Review Committee (ITRC) would meet sometime in January to work out the logistics. According to state statutes, the social district had to have its own logo. Cities usually took the logo they already had for downtown and just worked those in. The logo would have

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to be on all signs and stickers, and would be used to define the area. If everything flowed the way staff hoped, the issue would come back to Council in February for a vote.

Council Member Epps asked if participants would use the City's sidewalks.

Mr. White said yes, that was what the social district was.

Council Member Underwood asked if Council would be notified of the meeting with the merchants.

Mr. White said yes.

Council Member Underwood said it was very important to him to see what the merchants and citizens wanted to do.

Mr. White said staff would make sure the meetings were well publicized.

Council Member Underwood addressed Police Chief Paul Moore and asked how he thought it would affect him and his department.

Chief Moore said there would be an impact. There would be additional requests for personnel to handle and control the situation.

Council Member Underwood asked Chief Moore if he foresaw a problem.

Chief Moore said with proper personnel on scene, it was Council's decision.

Ms. Gilley said a lot of the questions may depend on the amount of participation they had. Staff did not know yet until they saw what the participation levels would be, so they were kind of waiting on the public meetings so they could evaluate that and bring it back to the ITRC to be looked at and a report developed for Council. That was staff's plan.

Council Member Nooe asked if anyone had information on potential increased traffic in the other communities already taking part.

Mr. White said in speaking with other Main Street areas, the participation started slow and generally it picked up. Every city counted differently, there was not a unified way to count it. Most cities reported higher foot traffic, especially in the warmer or summer months.

Council Member Nooe said his concern was that Washington Street was considered a major thoroughfare. There were issues there already and that was his concern. He suggested getting NCDOT involved to see if the City was going to try and alter traffic patterns or leave as is.

Mr. White said Salisbury and Statesville both had big roads that went through their districts. There were concerns about their crosswalks and those sorts of things. The ability for someone to follow the rules did not depend on them carrying a cup. They still had to follow the rules regardless. In the end, the City wanted more traffic.

Council Member Nooe said there were already issues there. He drove through it coming and going daily. He told himself not to go that way because there was always someone who was not in their lane because a car was parked on each side of the road. It was not good right now.

Council Member Epps said it was really tight through there.

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Council Member Nooe said as part of this, the City needed to come up with some means or method to make it a better flow, whether it was moving cars from one side of the street and widening the lanes.

Mr. White said there were plans for Washington Street eventually. Those were plans and topics for the ITRC. They could discuss that and Council would absolutely be part of those discussions.

Council Member Ellis asked if the districts would be held for a three-day weekend.

Mr. White said some cities did all week, some did only the weekend. After staff talked with merchants, they would be better prepared to address the hours. The hours would depend on Council's vote and what merchants wanted to participate.

Ms. Gilley said in the drafted ordinance that had been done so there would be something on paper for Council to see, staff proposed Thursday and Friday from 5 to 11 p.m. and Saturday and Sunday from 1 to 8 p.m.

Council Member Underwood asked if it would be limited to beer and wine, or if it would include liquor.

Mr. White said it would include everything.

Council Member Underwood noted Madison included only beer and wine.

Mr. White said it was the way the ordinance was written. Most said only alcoholic beverages and did not define the beverages.

Council Member Underwood said he was told that day by a Madison alderman that they allowed beer and wine only.

Ms. Gilley said that was something good staff had not thought of so it was a good issue to consider. Staff could question the businesses and see what they served and what they wanted to serve.

Mayor Hall thought Council should see what the merchants wanted to do. The hours on the draft ordinance did not mean much as Council needed to go with the hours the merchants wanted. If the merchants or citizens did not like what Council approved, they would quit doing it.

Ms. Gilley said Council could always look at the hours as an issue with the traffic as well. The name of the social district could be changed as well.

Ms. Stultz said with an issue like this, it was easier to start small and expand it than it was to retract it at a later date. There were a lot of things for Council to think about, and it was entirely up to them.

Mayor Hall said it was up to the merchants and the people who frequented those establishments.

Council Member Epps said people drinking on the sidewalks when there were functions going on downtown opened up a can of worms. It was crowded already. Like Council Member Nooe, he tried not to go through there as it was almost bumper to bumper. The sidewalks were not very wide. He would not want to see anything like this happen. They were talking about only two or three restaurants there anyway. They would have to have an officer patrolling it. He was against it.

Council Member Underwood asked if there was something that could be done if it did not work out.

Ms. Stultz said like any ordinance Council adopted, they could repeal it. In the ordinance Ms. Gilley proposed, on high festival days the district would cease to exist until the festival was over.

Council Member Epps said he was concerned too allowing drinking on City property that it would mushroom into other areas of the City.

Ms. Stultz said the proposal Council had seen exempted parking lots – no one would be able to take a drink onto a public parking lot. They were trying to stay as narrow as they could.

Council Member Epps said as a former police officer in Tampa, Fla., officers had to spend about 50 percent of their time trying to keep things under control when outside drinking was allowed.

Council Member Ellis asked Mr. White for a scenario of someone drinking in a restaurant who wanted to walk outside.

Mr. White said in the list of 42 cities who had social districts, there were 42 different ways the cities had handled it.

Council Member Ellis asked what would happen if someone was in a restaurant and had a drink in their hand, and wanted to go to another restaurant.

Mr. White said in the state statutes, there was a description of the cup. It could not be more than 16 ounces, it must be opaque, it could not be glass. The restaurants could buy their own cups as long as they followed that definition. There would be a sticker on the cup with the logo and there were words that had to be on that sticker or that cup per the state statute. When he attended a district meeting in Elkin for Main Street managers, he learned patrons had to inform the bartender whether they planned to leave the building or not. If the patron was not leaving, the drink would be served in a normal cup. If the patron planned to walk out of the building, the drink would be served in the special cup, which they charged 50 cents extra for. The cup and stickers were very well outlined in the state statute, there was no play in it. The rules came straight from Raleigh. It was in the proposed ordinance that a patron could not leave one restaurant with the cup and go into another one and have it refilled. The cup had to be thrown away if the patron went into another restaurant. The social district would only cover what was put in it. It did not cover anything on private property.

Council Member Ellis asked if for example he and Council Member Light were in a restaurant with those cups and wanted to leave, they could go out onto the street with the cup in their hands.

Mr. White said yes, the definition was an outside area. The City could not control any private property. The ordinance only covered public property. The City could not force a restaurant to let people in. The ordinance covered only what the City controlled in that area.

Council Member Underwood asked if patrons could take the cup into another business.

Mr. White said only if the business allowed it. Patrons could not take alcohol from one restaurant to another.

Council Member Kirkman asked who would be responsible for purchasing the cups, the City or the merchant.

Mr. White said it was done different ways and depended on the ordinance. In most cases, the cities or MSDs covered the cost. It had transformed so that most restaurants and bars covered it.

Ms. Gilley said the way the proposed ordinance was written was that the restaurants and bars would pay for those.

Council Member Kirkman asked if the City would purchase and then sell them to the businesses.

Mr. White said no, they would buy their own cups which had to follow the regulations.

Council Member Kirkman asked if the City would have to purchase and supply the sticker.

Mr. White said no.

Council Member Epps recalled a bar in a local shopping center that put a garden in the rear of the building for people to drink. There had been a bad shooting at that site and it had not been a bar since. When people were drinking, you did not know what their capacity was or what they were going to do. There were many shootings going on in the country. He was OK with drinking contained in a business but not coming out onto the City's streets.

Mayor Hall did not think that would have stopped the shooting in the bar. He thanked staff for the introduction and information and said Council would look forward to more information being brought to them.

- c. Consideration to adopt an ordinance for the demolition or repair of a structure at 1008 Maryland Avenue under Article 9, Building Maintenance Standards of the Unified Development Ordinance.

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

Mayor Hall called on Ms. Stultz.

Ms. Stultz said it was a property staff had been working on for some time. The fire chief had his staff check all the properties that day. Due to the structural integrity of the house, the property could not be burned. The ceiling of the house was missing in the interior and the roof was sagging and had a hole in it. It would be unsafe for personnel. Staff recommended to award a contract to demolish be awarded to Big Dawg Construction LLC for \$8,800.

Mayor Hall said that was the low bid and asked if there had been any opposition from the property owners.

Ms. Stultz said they had not heard much about them.

A motion was made by Council Member Ellis to adopt an ordinance for the demolition of a structure at 1008 Maryland Avenue and to award the bid to Big Dawg Construction LLC for the demolition. Council Member Underwood seconded the motion. All members voted in favor of the motion. The motion carried 7-0.

AN ORDINANCE AND ORDER FOR THE DEMOLITION OF PROPERTY AT 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 Hall, Mayor
Attest: Deanna Hunt, City Clerk

- d. Consideration to adopt an ordinance for the demolition or repair of a structure at 1607 E. Meadow Road under Article 9, Building Maintenance Standards of the Unified Development Ordinance.

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

Mayor Hall called on Ms. Stultz.

Ms. Stultz said the Fire Department said the structure could not be burned. It was on a state-maintained road and did not meet the distance requirements for controlled burns. She showed photos of the outside of the house and noted it was full of stuff. Whenever the Fire Department had been able to burn buildings in the past, the City had to pay for those to be cleaned out first. Staff recommended the contract be awarded to the low bidder, Big Dawg Construction LLC, for \$8,800. They were less than half of the other contractor.

Mayor Hall said the proposal was to go with the low bid and asked if there was resistance from the property owner.

Ms. Stultz said she was sure they were not thrilled but there had been no resistance.

Council Member Moore asked if it was correct that Big Dawg bid \$8,800 on both properties.

Ms. Stultz said yes, \$8,800 on each.

A motion was made by Council Member Ellis to adopt an ordinance for the demolition of a structure at 1607 E. Meadow Road and to award the bid to Big Dawg Construction LLC for the demolition. Council Member Underwood seconded the motion. All members voted in favor of the motion. The motion carried 7-0.

AN ORDINANCE AND ORDER FOR THE DEMOLITION OF PROPERTY AT 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.

Minutes of the November 21, 2023 meeting of the City Council, City of Eden:

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 Hall, Mayor

Attest: Deanna Hunt, City Clerk

- e. Consideration to adopt an ordinance for the demolition or repair of a structure at 626 Spring Street under Article 9, Building Maintenance Standards of the Unified Development Ordinance.

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

Mayor Hall called on Ms. Stultz.

Ms. Stultz said the house had been an issue for more than a decade. She had been there once when the residents were feeding an entire log into a woodstove and there was smoke everywhere. Council could see the property was in very bad shape and certainly not livable. The Fire Department said the structure could possibly be burned if the structural integrity was OK. They would have to get a live burn instructor to check for availability to burn. Due to the statewide burn ban, no structures could currently be burned.

Council Member Ellis asked when it would be possible to take it down.

Ms. Stultz said staff had a recommendation of \$17,500 and the contractor would have to wait a certain amount of time so it would be another month.

Council Member Kirkman said one of the owners listed had passed away in the past two days. He asked if that would make a difference.

Ms. Stultz said no, not if they were notified ahead of time. The original owner was deceased.

Council Member Underwood made a motion to table the case so a burn instructor could go to the site. Council Member Epps seconded the motion.

Ms. Gilley asked if the burn ban would be over the next month.

Council Member Underwood said it was a good possibility with the rain forecast.

All members voted in favor of the motion. The motion carried 7-0.

Mayor Hall said the case would be tabled until they could hear from the inspector.

- f. Consideration to adopt an ordinance for the demolition or repair of a structure at 722 Morgan Road under Article 9, Building Maintenance Standards of the Unified Development Ordinance.

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

Mayor Hall called on Ms. Stultz.

Ms. Stultz said the house had already burned. The fire chief advised her the department could not do a controlled burn on it. There was a low bid for \$8,900 from Big Dawg Construction.

Mayor Hall said they had a low bid proposed to be accepted. It was obvious the structure was beyond repair.

A motion was made by Council Member Underwood to adopt an ordinance for the demolition of a structure at 722 Morgan Road and to award the bid to Big Dawg Construction for the demolition. Council Member Epps seconded the motion. The motion carried 7-0.

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 Hall, Mayor

Attest: Deanna Hunt, City Clerk

REPORTS FROM STAFF:

a. City Manager's Report.

Mayor Hall called on Mr. Mendenhall.

Mr. Mendenhall said he would be happy to answer any questions. He wanted to address a couple of issues not in the report. He thanked the parents and students who participated in Prowlers athletics. The math on the upcoming basketball and cheer programs showed a 304 percent increase from three years before. That was very, very positive. It took the parents getting the kids to practice, the kids wanting to participate, coaches wanting to be there to coach the kids. There was a lot going on in the Draper gym and it was loud. It was very important that all those people were there doing their respective jobs and he wanted to thank them for that. Monroe Street was complete, and a WGHP-Fox 8 had aired a news segment about it where Mayor Hall was interviewed. It was 1,400 feet of sidewalk, 700 feet of street, with \$2,000 invested in uptown Leaksville with the completion of that project. He thanked the merchants and customers for their patience. It was a year-long interruption in their environment. They were gracious and kind and he thanked them for that. He wanted to thank the employees at Public Works, particularly two employees whose names stood out – Darren Gatewood and Patrick Willard – for their hard work. He thanked all the employees who made that happen. A lot of hands were out there working on weekends and overtime to see that work through. Earlier in the meeting, Ms. Gilley had talked about the code and Council approved it. It seemed like a simple thing to do a recodification but it was not. It was a labor of love and took probably two years, trying to do that in the middle of acquiring all the EPA easements they had been acquiring and doing. He wanted to recognize Ms. Gilley for that. She did an outstanding job and very good work. He wanted to thank her for doing that. The Safety Committee had completed the updates and revisions to the safety manual.

That was a whole group of employees who had been working over the past year to get those improvements done to continue to make sure workers stayed safe. The department heads had reviewed and were doing revisions and updates to the Emergency Operations Plan to be completed around January. It had not been updated in around 11 years.

Mr. Mendenhall wanted to give an update on the EPA as it was becoming a foremost issue in their minds. They were about a year away from completion of the EPA Administrative Order. It was due to and should be complete by December 2024. A meeting had been scheduled after Thanksgiving with the N.C. Department of Environmental Quality (NCDEQ) to discuss a stepdown approach as mentioned in a previous meeting to delist or end the Administrative Order and instead going into a monitoring or consultation period that would last what the City was proposing five years. They had to work through that. The request was pending. There were eight contracts, four of which had been completed, three were in progress and one was pending. There had been some things deferred. They had worked out a lot of money and how to fund and do all those things. According to the most recent semi-annual report to the EPA, \$51.8 million had been received and spent as a combination of loans and grants. That was all the funding devoted that had been spent over the last decade to the Administrative Order. In speaking with colleagues throughout the state, they were excited to spend \$1 million on water and sewer projects. He told them that was nothing as the City had spent \$51.8 million and continued to spend. People needed to realize that was a lot of infrastructure in the ground. Finally, and related to the EPA order, the BRIC funding for the siphon and notice of intent was approved. Ms. Stultz and her department, along with Utilities Manager Melinda Ward and her department, were working on a \$5 million federal grant for the siphon. The City would have to go through that process and had engaged the Piedmont Triad Regional Council to do that in concert with the employees. They should know something by the end of winter or first of spring where the application stood. He urged Council to note two dates – Thursday, December 12 was the employee Christmas lunch at noon, and the Council Budget Retreat was tentatively scheduled for Thursday, January 18. He asked Council to get back with staff on the retreat date to ensure a quorum could be established.

Council Member Ellis asked that he repeat the information about spending \$2,000.

Mr. Mendenhall said \$200,000 was the cost of the work.

Mayor Hall thanked Mr. Mendenhall and said copies of the report were available at the meeting, online and in Eden's Own Journal. He thanked the Street Division and Public Works for the completion of the work on Monroe Street. He could see they were working very hard and he appreciated it.

Council Member Underwood asked what the cost would have been to get the project done with an outside contractor.

Mr. Mendenhall said double, probably triple, so \$600,000 easily.

Mayor Hall thanked Ms. Gilley for the long work on the code as well.

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.

Minutes of the November 21, 2023 meeting of the City Council, City of Eden:

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.

CONSENT AGENDA:

- a. Approval and adoption of the (1) October 17 and (2) November 2 Council meeting minutes.
- b. Approval to adopt an order of collection for nuisance abatement fees to be collected as delinquent property taxes.

Ms. Stultz wrote in a memo: 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

By: Neville Hall, Mayor

Attest: Deanna Hunt, City Clerk

- c. Approval to confirm the amount of the indebtedness of demolition costs to be collected in the same manner as special assessments.

Ms. Stultz wrote in a memo: 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.

- d. Adoption of an amendment to Eden's FEMA-approved hazard mitigation plan.

Ms. Stultz wrote in a memo: 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.

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
By: Neville Hall, Mayor

Attest: Deanna Hunt, City Clerk

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

ANNOUNCEMENTS:

Mayor Hall said there was a busy time coming up with parades and WinterFest. The Eden Tree Board had a new initiative to showcase outdoor lighted Christmas trees. They were asking residents to send photos of their decorated, lighted outdoors trees to jadlerman@edennnc.us. The photos would be featured on the City's social media accounts. He asked people to take a photo and send it in. The City would be closed Thursday and Friday for Thanksgiving. Friday at 6:30 was the Leaksville Nighttime Christmas Parade put on by the Eden Chamber of Commerce in Uptown Leaksville. On Tuesday, November 28 at 6 p.m., the Draper Christmas Tree Lighting would be held at the intersection of Stadium and Fieldcrest in the park owned by Trevor Hale and his family. On Friday, December 1, the fifth annual WinterFest would be held from 5:30 to 8 in Grogan Park. It seemed to grow every year. Marketing and Special Events Director Cindy Adams and other staff had been working to prepare for that. The Draper Children's Christmas Parade would be held the following morning at 11. The same day, the Holiday Stroll would be held from 11 to 7 in Uptown Eden when merchants would be open offering special deals for the holidays.

Rhonda Price spoke from the audience to announce a Christmas tree lighting would be held during the Holiday Stroll in Jean Harrington Park (corner of Henry and Washington Street) at 6 p.m.

Mayor Hall said there were a lot of holiday things coming up and hopefully people would show up for those and continue to make them the successes they had been.

Council Member Epps said he appreciated the Prowlers, who were their future. If they could keep them busy and in Eden, they would be the future of the City.

Mayor Hall said new members would be sworn in the following month and this was the last full meeting for Council Member Moore, although he hoped to see him the following month. He wanted to thank him and said he would have more to say about it the following month. It would be a special time.

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