

**EDEN CITY COUNCIL
REGULAR MEETING AGENDA
August 20, 2024 at 6 p.m.
Council Chambers, 308 E. Stadium Drive**

1. Meeting called to order by: Neville Hall, Mayor
2. Invocation: Pastor Les Herod, Eden Church of God of Prophecy
3. Pledge of Allegiance: Led by Paul Moore, Police Chief
4. Proclamations and Recognitions:
 - a. Recognition: Prowlers 14U Softball Team
5. Roll Call
6. Set Meeting Agenda
7. Public Hearings:
 - a. Consideration to adopt an ordinance annexing the property located at 773 Summit Loop.
Kelly Stultz, Planning & Community Development Director
 - b. Consideration to adopt an ordinance to close an unopened street, alley, utility and right-of-way easement on the east side of May Street. **Kelly Stultz, Planning & Community Development Director**
8. Requests and Petitions of Citizens
9. Unfinished Business:
 - a. Consideration of commission appointments. **Kelly Stultz, Planning & Community Development Director**
10. New Business
11. Reports from Staff:
 - a. City Manager's Report. **Jon Mendenhall, City Manager**
12. Consent Agenda:
 - a. Approval and adoption of the (1) July 16 regular meeting minutes and (2) July 24 special meeting minutes.
Deanna Hunt, City Clerk
 - b. Approval and adoption of Budget Amendment #4. **Tammie McMichael, Finance & Personnel Director**
 - c. Approval and adoption to amend Article V of Chapter 10 of the Code of Ordinances.
Erin Gilley, City Attorney
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 - Annexation Request
773 Summit Loop**
Date: August 8, 2024

At the regular City Council meeting on July 16, 2024, the Council scheduled this public hearing to hear comments regarding an annexation of the property located at 773 Summit Loop.

The Petition Requesting Annexation was filed by the property owner, Brason Properties, LLC.

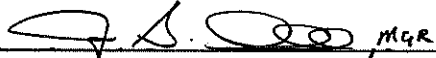
Staff is of the opinion that this property should be annexed.

PETITION REQUESTING A NON-CONTIGUOUS ANNEXATION

Date: 7-20-2023

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

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the City of Eden.
2. The area to be annexed is non-contiguous to the City of Eden and the boundaries of such territory are as described in the attached Deed.
3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Eden.
4. We acknowledge that any zoning vested rights acquired pursuant to N.C.G.S. 160A-58-58.3 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property.

<u>Name</u>	<u>Address</u>	<u>Do you declare Vested rights? Yes or No</u>	<u>Signature</u>
Brason Properties LLC Jason S. Darnell, Manager	Property Address: 773 Summit Circle Eden, NC 27288	Yes	 MGR
PIN... 7081 19 50 8468 00			
Mailing Address: 5014 Casting Way, Greensboro, NC 27455			
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DEED NORTH
D.B.1645 PG.2747

I, Gregory M. Gorrell, certify that this map was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book ___ as Page ___ shown.); that the boundaries not surveyed are indicated as drawn from information in Book ___ as Page ___ shown.; that the ratio of precision or positional accuracy is 1:10000+; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56. 1600).

This 18th day of July, 2023



Professional Land Surveyor

Seal



Location Map: Not To Scale

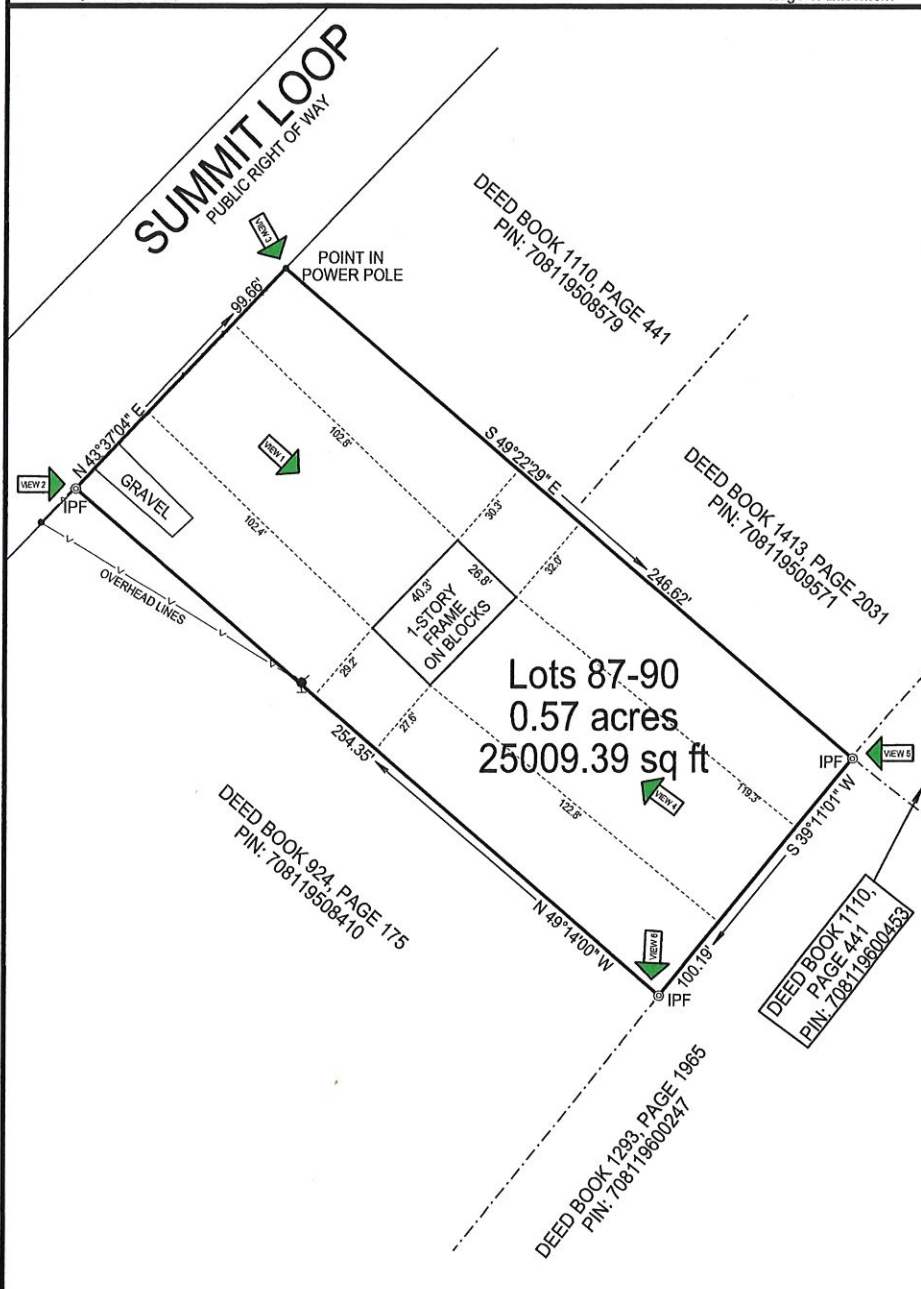
- ⊙ Iron pipe found (IPF)
- Iron pipe set (IPS)
- R/W Right of Way
- Power Pole

MBL

LEGEND
Computed Point (Not Set)
Minimum / Max Building Line

- ▲—▲— Overhead Lines
- x—x— Fence Line
- - - - - Neighbors Property Line
- - - - - Edge of Easement

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



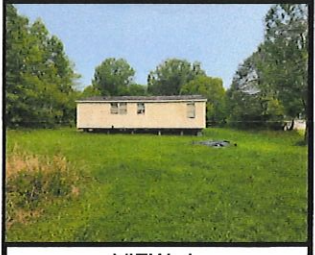
VIEW 1



VIEW 2



VIEW 3



VIEW 4



VIEW 5



VIEW 6

This map does not meet G.S. 47-30 Mapping Requirements of N.C. and is not for recordation
This property is subject to any easements, agreements, or rights-of-ways of record prior to this date and not visible at the time of inspection.
This is to certify that this plot was drawn from a recorded map and field survey; That the property lines and location of all structures are accurately shown hereon; and there are no encroachments either way across property lines, unless noted otherwise.
This property has not been evaluated for special flood hazard area as determined by the Department of Housing and Urban Development. For flood boundaries contact the Federal Emergency Management Agency.

Drawn by: MLH
File name: 773 summit loop

Map of Survey For:

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

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

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

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

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE CITY OF EDEN, NORTH CAROLINA

WHEREAS, the City Council of the City of Eden, North Carolina, has been petitioned under G. S. 160A-31 to annex the area described below; and

WHEREAS, the City Council of the City of Eden has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the City Council Chamber, 308 East Stadium Drive at 6:00 o'clock p.m. on August 20, 2024, after due notice by publication on August 7, 2024; and

WHEREAS, the City Council of the City of Eden finds that the petition meets the requirements of G.S. 160A-31;

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

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made a part of the City of Eden as of September 1, 2024:

BEGINNING at a point in a power pole in the south right of way of Summit Loop, said point marking the northeast corner for property described in Deed Book 1110, page 441; thence with the south line of said property, South 49 deg. 22 min. 29 sec. East 246.62 feet to an iron pipe found, said iron marking the northeast corner for property described in Deed Book 1293, page 1965; thence with said property line, South 39 deg. 11 min. 01 sec. West 100.19 feet to an iron pipe found, said iron marking the southeast corner for property described in Deed Book 924, page 175; thence with said property line, North 49 deg. 14 min. 00 sec. West 254.35 feet to an iron pipe found in the south right of way of Summit Loop; thence with the south right of way line of Summit Loop, North 43 deg. 37 min. 04 sec. East 99.66 feet to the POINT OF BEGINNING, the same containing 0.57 acres as shown on a Plat of Survey for Brason Properties by Four Points Surveyors, P.L.S. dated July 18, 2023.

The above-described property being more commonly known as 773 Summit Loop and identified by the Rockingham County Tax Dept. as PIN 7081-19-50-8468 and Parcel Number 110467.

Section 2. Upon and after September 1, 2024, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Eden and shall be entitled to the same privileges and benefits as other

parts of the City of Eden. Said territory shall be subject to municipal taxes according to G. S. 160A-31.

Section 3. The Mayor of the City of Eden shall cause to be recorded in the Office of the Register of Deeds of Rockingham, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territories described in Section 1 above, together with a duly certified copy of this Ordinance. Such a map shall be delivered to the Rockingham Board of Elections, as required by G.S. 163-288.1.

Section 4. Notice of adoption of this Ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Eden.

Adopted this 20th day of August, 2024.

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: **Public Hearing – SC-24-02**
An Unopened Street/Alley on the east side of May Street
Date: August 9, 2024

At the July 16, 2024, regular meeting, the Council adopted a Resolution of Intent to Close an unopened portion of a street, alley and utility and right of way easement. The Council also scheduled this public hearing to hear comments on the street closing request filed by Draper Volunteer Fire Department, Inc. and David Johnson.

The Planning and Community Development Department recommends approval of the street closing. At their July 23, 2024, regular meeting, the Planning Board voted to recommend approval of the closing.

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



PETITION

TO CLOSE STREET OR ALLEY

Date Filed 5/10/24

Application No. SC-24-2

Mayor and City Council
City of Eden
Eden, NC 27288

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

OWNER(S) & MAILING ADDRESS:

Draper Fire Dept.
213 MAIN ST.
Eden, N.C. 27288

SIGNATURES:

[Signature]

OWNER(S) & MAILING ADDRESS:

DAVID Johnson
201 S Houelle Dr
EDEN, N.C. 27288

SIGNATURES:

[Signature]

OWNER(S) & MAILING ADDRESS:

SIGNATURES:

INSTRUCTIONS:

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

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



STREET CLOSING

SC-24-02

AERIAL MAP



**Unopened Section
of Unnamed Street
Near May Street**

CITY OF EDEN
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
STREET CLOSING REPORT
May 30, 2024

CASE NUMBER: SC-24-02

APPLICANTS: Draper Volunteer Fire Department;
David Johnson

APPLICANTS' ADDRESS: 213 Main St.
Eden, NC 27288

201 S. Hundley Dr.
Eden, NC 27288

APPLICANTS' STATUS: Adjoining Property Owners

REQUESTED CLOSING: Unopened section of Unnamed Street near May St.

STREET WIDTH: Approximately 25 feet

STREET LENGTH: Approximately 105 feet

GENERAL INFORMATION

The City has received a petition signed by the owners of 100 percent of the abutting properties requesting that an unopened section of an unnamed street near May Street be closed. (See attached map)

The Eden City Code, Chapter 13, Article 3, Division 3, and N.C.G.S. 160A-299 authorize the City Council, upon recommendation of the Planning Board, to consider the closing or vacating of a street in accordance with the rules and procedures set forth therein. Furthermore, it permits the City Council to close a street provided that, after a public hearing has been held, it appears to the satisfaction of the Council that closing the street or alley is not contrary to the public interest, and that the City has no interest in preserving the dedication of such street or alley for municipal purposes, and that no individual owning property in the vicinity of the street or alley would thereby be deprived of reasonable means of ingress and egress to his property.

PUBLIC SERVICE CORPORATIONS

The following public utilities and public service corporations have been contacted in response to this street closing and have issued the following comments in regards to their utility lines and future utility plans for the area:

City of Eden Engineering

Duke Energy

Piedmont Natural Gas

Century Link

Spectrum Cable

Dan River Water, Inc.

REQUIRED FINDINGS

According to the N.C. General Statutes and the Eden City Code, before the City can close a street, the City Council must be satisfied of two matters:

1. That the street closing is not contrary to the public interest.
2. That no individual who owns property in the vicinity of the street is deprived of reasonable means of ingress and egress to that property because of the street closing.

DEPARTMENT FINDINGS AND RECOMMENDATION

In regards to the required findings, the Planning and Community Development Department issues the following comments:

Contingent upon comments from the public service corporations, the staff is of the opinion that the unopened street is not required for public utility service for the area.

The section of the unopened street to be closed is not necessary to the general public for travel and traffic circulation in the area. The section to be closed is an unopened section of an unnamed street near May Street. Therefore, staff is of the opinion that no property owner will be denied reasonable means of ingress and egress because of the closing.

In conclusion, the staff recommends, based upon these stated findings, that the unopened street be closed as requested.

DEPARTMENT RECOMMENDATION:

Close unopened street as requested.

AN ORDINANCE AND ORDER
TO CLOSE AN UNOPENED STREET, ALLEY AND UTILITY

AND RIGHT OF WAY EASEMENT ON THE EAST SIDE OF MAY STREET

WHEREAS, on the 10th day of May, 2024, the Draper Volunteer Fire Department, Inc. and David Johnson filed a petition, by the terms of which they requested that an unopened section of a street, alley and utility and right of way easement on the east side of May Street 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 16th day of July, 2024, at its regular monthly meeting adopt a Resolution of Intent to Close an unopened section of a street, alley and utility and right of way easement on the east side of May Street calling for a public hearing to be held; and

WHEREAS, the City Council of the City of Eden, did on the 16th day of July, 2024, at its regular monthly meeting, schedule a public hearing to be held on the 20th day of August, 2024, 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 24th and 31st day of July, 2024, and on the 7th and 14th day of August, 2024, and copies were sent to the property owners as required by law on the 7th day of August, 2024, and copies were posted on the 19th day of July, 2024, as required by law; and

WHEREAS, the Planning Board at a regular meeting on July 23, 2024, recommended to the City Council that said unopened section of a street, alley and utility and right of way easement on the east side of May Street be closed; and

WHEREAS, the public hearing was held at the regular monthly meeting of the City Council on the 20th day of August, 2024; 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:

The Draper Volunteer Fire Department, Inc. and David Johnson are the owners of the unopened section of a street, alley and utility and right of way easement on the east side of May Street 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 a street, alley and utility and right of way easement on the east side of May Street in the City of Eden be and the same is hereby closed, said unopened section of a street, alley and utility and right of way easement on the east side of May Street being more particularly described as follows:

BEGINNING at a point in the northern line of an unnamed Utility and Right of Way Easement, said point being the northwest corner of a 0.434 acre lot owned by City of Eden (Deed Book 719, Page 594) as shown on a survey by Samuel J. Coleman Jr., RLS dated September 14, 1999 and revised August 21, 2000 recorded in Map Book 46, page 23 in the Office of the Register of Deeds for Rockingham County, N.C.; thence with the west line of City of Eden South 20 deg. 42 min. East 27.33 feet to a point, marking the northeast corner of a 0.339 acre lot as shown on the aforementioned plat; thence with the south line of the unnamed Utility and Right of Way Easement and the northern property line of the 0.339 acre lot, South 69 deg. 18 min. West 103.68 feet to a point marking the northwest corner of the 0.339 acre lot; thence North 20 deg. 42 min. West 10 feet to the north east corner of a lot shown on aforementioned plat belonging to Huffman Property Management Specialists (formerly Homer Wood, Deed Book 845, page 614), thence North 20 deg 42 min. West, a new line, to a point in the southern property line of Draper Volunteer Fire Department (formerly Stephen B. Hodges, Deed Book 775, Page 1754); thence North 64 deg. 45 min. 15 sec. East to the southeast property corner of lot formerly owned Stephen B. Hodges Deed Book 775, Page 1754 as shown on aforementioned Plat, currently owned by Draper Volunteer Fire Department; thence North 69 deg. 12 min. 39 sec. East 62.24 feet to the POINT OF BEGINNING and being a portion of the unopened portion of the unnamed Utility and Right of Way Easement.

The above described unopened section of a street, alley and utility and right of way easement on the east side of May Street is closed **SUBJECT TO** waterline and sewer easements hereby reserved to the City of Eden twenty (20) feet in width, ten (10) feet on either side of the centerline of the water line and twenty (20) feet in width, ten (10) feet on either side of the sewer line installed in said unopened right of way being closed.

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 20th day of August, 2024.

CITY OF EDEN

BY: _____
Neville A. Hall, Mayor

ATTEST:

Deanna Hunt, City Clerk

(SEAL)



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: August 7, 2024

The following seats on the City Boards and Commissions are vacant and need to be filled. When making appointments, please consider whether these people 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 Wood

Community Appearance – Avery Moore (Resigned)

Mayor Hall

Historic Preservation – Chase Lemons (Resigned)

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

<u>Board</u>	<u>Day</u>	<u>Time</u>
Community Appearance Commission	1st Tuesday each month	5:30 pm
Historic Preservation Commission	2nd Monday each month	5:30 pm



City Manager's Report
August 2024
City Manager Jon Mendenhall

ADMINISTRATION

Marketing & Communications Office

The weather has not been our friend this year when it comes to outdoor events. Here are our new dates to put on your calendar:

Shaggin' on Fieldcrest	Thursday, August 29 – 5 to 10 pm
Grown & Gathered	Thursday, October 3rd – 7 pm
Uptown Cruise & "Grease" Movie	Friday, October 4th – 6 pm

A huge thank you to our venues, caterers, food trucks, bands, production crews, city employees, volunteers, ticket holders, sponsors and our citizens for being flexible and understanding.

RIVERFEST IS ALMOST HERE! This year's festival is lining up to be one of the best ever. There will be live concerts, over 150 vendors, delicious food, BMX Show, Glow Foam Party, Gem Sluice, Kids Zone, Stagecoach Show, Celebrity Chef Carlos Brown, Dyer's Rubber Duck Drop, DRBA Kayak Simulator and so much more! Plus, don't miss the opportunity to meet Eden's very own Tabitha Brown. Look for more information on meet & greets, special presentations, etc.

PLEASE USE THE FREE SHUTTLES – We are expecting a record crowd

FRIDAY- September 20 – 5 to 10

SATURDAY – September 20 – 10 to 10

WE CAN'T WAIT TO SEE YOU THERE!

PARKS & RECREATION DEPARTMENT

Recreation Division

Bridge Street Recreation Center: Bridge Street Recreation Center stays busy with daily walkers, fitness classes. Our children's Summer Day Camp program will be finished soon. We will have open enrollment for our after-school program.

Mill Avenue Recreation: Pickleball is played Monday, Wednesday, Friday and Sunday mornings. Cornhole games are bringing in a lot of players. Prowlers are gearing up for football, volleyball and cheer. Practices have already started.

Mill Avenue Pool/Freedom Park Splash Pad: Both the pool and splash pad are opened every day from noon until 6 p.m.

Freedom Park: Contractors are on site working on field lighting, pickleball courts and a ballfield over haul.

Senior Center: The seniors are staying busy this month playing pickleball, bingo, quilt making class, line dancing classes, watercolor classes and so many more fun activities. Please check out the Garden of Eden Senior Center Facebook page with a schedule full of events.

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

Local Codes Inspections July 1, 2024- July 31, 2024

Total Local Code Inspections Performed	124
Local Code Notices Sent	48
Local Codes Abated	54

Inspections & Permits July 2024

Total Inspections Performed	295 (Does not include fire inspections)
Total Permits Issued	145

Boards & Commissions

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

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

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

The Planning Board met for the month of July to advise and review on a street closing case SC-24-02.

Veterans Park Beautification Project: Phase III- Community Appearance Commission

Staff has been collaborating with the Division of Design & Construction to design an ADA accessible to walkway to the monument at the Veterans Park located near Fieldcrest Road and Main Street in the Draper area. The Community Appearance Commission has plans of outlining the walkway with a brick boarder and offer residents to purchase an engraved brick “In Honor” or “In Memory” of a veteran.

Ferry Road Sign Project- Historic Preservation Commission

Staff has ordered two physical signs from Randy’s Custom Lettering located in Walnut Cove, N.C. Staff has contacted NC DOT about the right-of-way encroachment easement/agreement for one of the sign locations near Third Avenue and East Stadium Drive for the other sign location. Staff anticipates installation of the signs in late August early September.

30 for 30 Tree Planting Campaign- Tree Board

Staff has been finalizing the details of the campaign and plans to launch the campaign the first of September 2024 and run it through February 2025. City social media posts, flyers and local media

outlets will market the campaign during the stated timeframe. Planting of trees will commence March through May of 2025.

POLICE DEPARTMENT

July 1, 2024 marked Ramona Bowman's official retirement date. Ramona served the citizens of Eden for 25 years and intends to return as a part time employee during the month of August.

During the month of July, we continued our recruitment efforts in search of quality applicant to attend the Fall BLET program. We completed backgrounds on four (4) applicants who will begin the fall BLET class that begins on August 6, 2024. Andrew Zook, Thomas Lunsford, Robert Edens and Wesley Childress officially became Eden Police Cadets on July 31, 2024

We received four (4) Dodge Durango's as part of our 10-year vehicle replacement plan as approved in the FY24-25 budget CIP. The vehicles are being staged at the city shop. All equipment for the vehicle's upfitting has been ordered, with an expected 10-12 week delivery time.

FIRE DEPARTMENT

The Fire Department responded to 97 calls for the month of July. The Fire Marshal completed 67 inspections the month of July. Fire Station 2 will have employees back in the station the week of August 5. Fire Station 2 has an open house on August 14. At Station 4 the renovation project is complete. They are looking to have a cement pad done on the hillside to move the metal carport.

PUBLIC WORKS DEPARTMENT

Streets

Maintenance activities have focused on patching 139 tons used based on asphalt plant availability and concrete work 104 yards on Stadium Drive at the Fire Department has been completed. Streets are currently working on our street signs and traffic sign maintenance program along with vegetation control 4.5 miles on our City streets and curb and gutters. Streets have removed several bags of litter from our city streets. Streets have removed 450 cubic yards of leaves/grass clippings for leaf Collection. Mowing Crew has taken care of 22.50 acres of vegetation owned by the City of Eden.

Construction

The Construction Crew has finished up Bridge Street municipal parking lot. Poured concrete around EV chargers and behind dumpster pad and finished up mulching. Parking is complete including the asphalt patching that was needed. They are waiting on the fence contractor to install the fence around the dumpster pad. Construction has worked on stabilization of the riverbank on the Dan River outfall off the end of McConnell Street by adding dirt in a sheer line through a stretch of the bamboo forest to keep surface water out of the sheer line and by installing 143.4 ton of class 2 riprap along river bank where it had sheared off and dropped down. On East Meadow Road to Weaver Street side installed 80 feet of 18" RCP and a 2' by 3' by 3' waffle box with a frame, grate, and hood. They have hauled dirt in for backfill. Construction will be pouring

approximately 14 feet of curb to tie in box to existing curb today and should complete job tomorrow by finishing backfill and sowing. On Jarrett Street they added approximately 80 feet of shoulder stone in front of residence and where else was needed along street due to resurfacing.

Collections & Distribution

Collection and Distribution crews continue to maintain water and sewer repairs as they are reported. With new hires and CDL training, our Collections & Distributions crew is building a stronger more efficient division. Water leaks were on the increase from last month and our crews have been battling the extreme heat to make sure repairs are made.

Solid Waste

The Solid Waste Division continues 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 168.91 tons. The amount of vegetative tonnage (brush) collected in July was 14.11 tons while bulk waste tonnage collected was 199.20 tons.

Fleet

The Fleet Division had 170 work orders which includes all outside repairs, road calls as well as regular service, tires and NC inspections.

Utilities

Staff discussed asset software and everyone agreed NOVO is the best choice. Staff met to discuss what we could do internally to help reduce costs for the Railroad access improvements. While we also looked at our choices of telehandlers to make a decision on which we wanted. Rural Water hosted a continuing education class for the water and wastewater credit. Staff presented a power point presentation on the drought preparation to show them what steps will be follow if we find ourselves in more dire conditions. A change order has been agreed upon and submitted for the North Basin cleanout project. A new service truck was purchased for water resources. After presenting the sewer agreement to council on July 16, it was decided to postpone a decision for further review. On July 24, it was presented again with changes and approved. This will go into effect next July.

CITY OF EDEN, N.C.

A regular meeting of the City Council, City of Eden, was held on Tuesday, July 16, 2024 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 Bruce Nooe Tommy Underwood Jason Wood
City Manager:	Jon Mendenhall
City Attorney:	Erin Gilley
City Clerk:	Deanna Hunt
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 Jerry Epps, First Church of the Living God, gave an invocation followed by the Pledge of Allegiance led by Deputy Fire Chief James Slaughter.

PROCLAMATIONS AND RECOGNITIONS:

a. Recognition: Rockingham County Special Olympics

Mayor Hall called the Special Olympics team forward. He said the City wanted to recognize some very talented local people who represented Rockingham County Special Olympics in the North Carolina State Games at N.C. State. This dedicated group started practicing their volleyball skills in February and they won bronze medals in that sport when they competed May 31, June 1 and June 2. The City was beyond proud and especially wanted to thank Rockingham County Special Olympics Coordinator Shane Woodall and Volleyball Coach Meredith Johnston for leading the group to victory. He presented the players with certificates: Thomas Stowe, Seth Woods, Doug Price, Jon Crumpton, Taima Lancaster, Sheratan Reed, Andres Olguin (absent), and Kelsey Caplin (absent).

Mr. Woodall thanked the City for acknowledging the athletes. He thanked Parks & Recreation Director Ray Thomas for allowing them to use a facility to practice every Sunday. The team looked forward to going each year. He asked that the team be kept in prayers as they began practicing after Labor Day to play soccer in the fall in Charlotte. He thanked everyone for being so gracious to open the doors up to facilitate the athletes.

b. Recognition: Powell Auto Sales for 30 years in business

Mayor Hall called AJ and Donna Powell forward. He said Powell Auto Sales got its start in 1994, but co-owner AJ Powell had been in the business of selling since age 13 when he worked at Belk on Washington Street. His career in auto sales began at Jimmy Wright Pontiac-Buick at Washington and Patrick Streets where AJ's father worked as a mechanic. After Jimmy Wright offered young AJ a job selling cars, AJ was skeptical he could do it but said if Jimmy Wright believed in him, he knew it would all work out. And it had. With just three cars purchased on a credit card, AJ and wife Donna opened Powell Auto Sales on Bridge Street 30 years ago. Donna ran the office while AJ worked during the week driving trucks and selling cars part time. After a successful nine years, the couple moved to their current location on Kings Highway. During their 30 years selling cars, trucks, trailers and even tractors, AJ and Donna had made it a goal to make a friend of every customer and AJ believed that was what kept his customers returning to buy from the couple. AJ also prided himself in never selling any vehicle he would not let his wife or grandchildren drive. AJ credited Mr. Wright as inspiration for him to be so successful in the business where he and Donna now sold an average of 50 vehicles per year. The City congratulated Powell Auto Sales on 30 years of business and thanked them for being a valuable part of our community. He presented the couple with a framed print.

Mr. Powell said what he had to say may mean more to him than it did the audience but he wanted to say it. First, he thanked God for the blessings on their business and the way He had blessed them forever. He thanked his wife Donna for her help and support – he could not have done it without her. He thanked the City and Council for the honor to be celebrating 30 years continually in the used car business. He also wanted to thank the Eden Police Department for their constant protection. He thanked Jimmy Wright for having the confidence in him and giving him a chance to work for Mr. Wright at Wright Pontiac-Buick dealership in 1975. Mr. Wright taught him the car business from greeting the customer to closing and delivering the sale. Mr. Wright had been a true friend of his for at least 54 years. He wanted to recognize and thank his faithful customers. Without them, he would not have had 30 years of success.

Mayor Hall thanked Main Street Manager Ken White for his assistance with the recognition.

SET MEETING AGENDA:

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

PUBLIC HEARINGS:

There were none at this time.

REQUESTS AND PETITIONS OF CITIZENS:

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

Julie Talbert, 3028 Indian Ridge Court, said with her were Sylvain Couzinet-Jacques and Pat McCarthy. She was there representing the Fine Arts Festival Association of Rockingham County and she wanted to tell about some of the incredible things for the arts community that week in Eden. They believed art and support of local artists was key to making the community a better place to live and better economic development. In that vein she wanted to share one event happening Thursday, and she had flyers to leave with the city manager. Watercolors on Washington was an art show and sale at Pace-Stone. It was unique because watercolors would be paired with rugs. It would be a lovely evening from 5:30 to 8 and she hoped everyone would come out. The funding just came out at the very end of the month for the next thing, which was being called the Eden Summer Institute. It brought 10 renowned artists from around the world to Eden. Over the past 10 days they had created some really incredible art projects – sound, dance, movement, 3D art and a lot of things. Those people had picked our little hometown because they liked Eden. Mr. Couzinet-Jacques had experience in Eden as he was part of the red schoolhouse project. He had liked it so much he wanted to bring the Eden Summer Institute to Eden. Mr. Couzinet-Jacques and Mr. McCarthy, who was an artist from New York, would take the rest of the time to tell about what the institute was.

Mr. Couzinet-Jacques said he was from Paris. He thanked Council for having the group. They really loved Eden and that was the reason he had been working on and off for 10 years in Eden, a month to three months every year for almost a decade. Eden was very famous in Paris, everyone knew Eden. Thanks to the work, the community and Ms. Talbert supporting them, they had received two grants from two textile companies in Paris – Hermes and Agnes B, both in the fashion industry who provided money for flights and housing for artists. They had been working on it for a few months and got a grant from the Reidsville Area Foundation to make the project possible to do in Eden. The project was very simple. There were six international artists and grants for two local artists. They had worked together for 10 days. It was open to the public free of charge. They had done workshops to create unique artwork to exhibit Thursday. He introduced Mr. McCarthy whose work had been exhibited at the Museum of Modern Art in New York and the Brooklyn Museum. Mr. McCarthy was pretty much an international artist.

Mr. McCarthy said he traveled all over the world making and exhibiting art often in the form of scrappy little do-it-yourself magazines. He first met Mr. Couzinet-Jacques at an art show in the south of France 10 years before. He heard from Mr. Couzinet-Jacques about the small city - Eden - he had fallen in love with. Shortly after that Mr.

McCarthy came to Eden as part of the red schoolhouse project. He too had become captivated with the town. It was his fourth trip to Eden. For the new project, which was an homage to the famous Black Mountain College that was on Lake Eden in North Carolina, he made a little booklet as a teaching tool to demonstrate to local kids and artists how easy and fun it could be to make zines. He was in love with Cook Out and specifically its ice which he thought may be the best in the entire world. The ice and Cheerwine, his favorite N.C. beverage, made the cover of his zine. As he was sipping his Cheerwine, he noticed the long line of cars waiting to buy ice from the ice vending machine. He thought that was so unique as there were not ice vending machines in New York. He started studying them and with input from local artists he made a book that celebrated the temples of ice around town. It connected them with modern architectural masterpieces from around the world. It was a little example of what could be done in only a few days.

Ms. Talbert thanked Eden for welcoming the artists. They would like to do that again. She thanked the Reidsville Area Foundation, United Way and all the other funders who helped them out along the way.

Mayor Hall thanked Ms. Talbert and welcomed the artists back to Eden.

UNFINISHED BUSINESS:

a. Consideration of commission appointments.

Planning & Community Development Director Kelly Stultz wrote in a memo: The following seats on the City Boards and Commissions are vacant and need to be filled. When making appointments, please consider whether these people 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 Wood: Community Appearance – Avery Moore (Resigned); Mayor Hall: Historic Preservation – Chase Lemons (Resigned).

Mayor Hall called on Ms. Stultz.

Ms. Stultz said there were two recent resignations and the seats needed to be filled.

Council Member Wood said he was working on filling the seat and should have an appointment the following month.

Mayor Hall said it was the same for him.

b. Consideration of the certificate of sufficiency and adoption of a resolution calling for a public hearing on the annexation petition of property located at 773 Summit Loop.

Ms. Stultz wrote in a memo: At your August 2023 regular meeting, you instructed the City Clerk to investigate the sufficiency of a petition for voluntary annexation for the property located at 773 Summit Loop owned by Jason S. Darnell of Brason Properties LLC. With the assistance of the City Attorney, we have determined that the proper signatures were placed on the petition and that the owners listed above are the owners of the property identified on the Petition. A public hearing was scheduled for the October 2023 meeting but had to be pulled from the agenda. Attached you will find the certificate of sufficiency executed by the City Clerk, a current survey of the property, and a Resolution Fixing Date of Public Hearing. This type of annexation does not have the same requirements as an involuntary annexation. However, there are requirements regarding fire service. Please accept the certificate of sufficiency and call a public hearing for your August regular City Council meeting. If you have any questions, please give me a call.



CERTIFICATE OF SUFFICIENCY

PETITION REQUESTING A NON-CONTIGUOUS ANNEXATION

Date: 7-20-2023

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

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the City of Eden.
2. The area to be annexed is non-contiguous to the City of Eden and the boundaries of such territory are as described in the attached Deed.
3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Eden.
4. We acknowledge that any zoning vested rights acquired pursuant to N.C.G.S. 160A-58.3 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property.

Name	Address	Do you declare Vested rights? Yes or No	Signature
Brason Properties LLC Jason S. Darnell, Manager	Property Address: 773 Summit Circle Eden, NC 27288	Yes	
PIN... 7081 19 50 8468 00			
Mailing Address: 5014 Casting Way, Greensboro, NC 27455			

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

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

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

1. The petition includes a legal description of the area proposed for annexation and has attached a map showing the proposed satellite area in relation to the primary corporate limits.
2. The petition includes the names and addresses of all owners of real property lying in the area described therein.
3. The petition includes the signatures of all owners of real property lying in the area described therein, except those not required to sign by G.S. 160A-58.1(a).
4. The nearest point on the proposed satellite corporate limits is no more than three (3) miles from the primary corporate limits of the City of Eden.
5. No point on the proposed satellite corporate limits is closer to the primary corporate limits of any municipality other than the City of Eden.
6. The satellite area is so situated that the City of Eden will be able to provide the same services as are provided within its primary corporate limits;
7. To the extent that the proposed satellite area contains any portion of a subdivision, the entire subdivision is included;
8. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits of the City of Eden, does not exceed ten percent (10%) of the area within the primary corporate limits of the City of Eden.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the City of Eden, this 6 day of September, 2023.

(SEAL)

Deanna Hunt, City Clerk



Mayor Hall called on Ms. Stultz.

Ms. Stultz said the case had started the previous summer. There were questions about sewer lines and those kinds of things. They were ready to move forward. The property owner wanted to be inside the city limits so they could connect to sewer and water. Council needed to call the public hearing.

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

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

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

WHEREAS, the Eden City Council has by resolution directed the City Clerk to investigate the sufficiency of the Petition at their meeting on August 15, 2023; and

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

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

Section 1. A public hearing on the question of annexation of the non-contiguous areas described herein will be held in the Eden City Hall in the City Council Chamber at 6:00 P.M. on August 20, 2024.

Section 2. The area proposed for annexation is described as follows: BEGINNING at a stake set in the eastern edge of Summit Circle, which beginning point is also a corner between Lots Nos. 86 and 87 running thence with Summit Circle, South 43 deg. 54 min. West 100.00 feet to a stake, a corner between Lost Nos. 90 and 91; thence South 49 deg. 14 min. East 254.30 feet to a stake where Lost Nos. 90 and 91, corner with Lots Nos. 98 and 99, thence North 39 deg. 24 min. East 100 feet to a stake, a rear corner between Lots 86 and 87; thence with the dividing line between Lots Nos. 86 and 87 North 49 deg. 16 min. West 246.5 feet to a stake set in the eastern edge of Summit Circle, the point of beginning and being Lots Nos. 87, 88, 89, and 90, according to map of Subdivision No. 1, for S. T. Jackson and George W. Smith, dated August 21, 1947, as per survey of H. S. Pierce, C. E., and being the identical lots conveyed by deed dated April 26, 1952, which deed is of record in Book 425, Page 132. See also Deed Book 425, page 198. The same also being the identical tract described in Book 585, Page 106. See Deed Book 594, Page 564, Book 637, Page 103, Book 647, Page 373 and Book 772, Page 1765. WM4s-110623.

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

This the 16th day of July, 2024.

CITY OF EDEN

By: Neville Hall, Mayor

Attest: Deanna Hunt, City Clerk

c. Consideration of a resolution to adopt the City-County Utilities Agreement.

Ms. Gilley wrote in a memo: I have been asked to present a history and update of this Agreement for your benefit. This Agreement dates back to 1998. At that time, the sewer service area was located within the Wentworth Township area and the County installed numerous pump stations and lines that the County would maintain and discharge into the City's wastewater plant. The County had no wastewater plant, but it needed to offer sewer service on a limited basis in that area. That area has continued to grow with the Community College, governmental center, courthouse, additional commercial and residential locations. This agreement allowed the City to offer rate categories to the County for each use that it had. There was an institutional rate, commercial rate, leachate rate and a residential rate. The City has one customer, the County. The County, however, has all of the users as its customers. The City bills the County one large lump sum bill based upon all the users. The County pays the City and then decides how it will charge its own customers. The County has declined to build a plant or to create a regional sewer authority. The recent growth in addition to the potential growth in this area creates maintenance and service sewer issues for the County with no wastewater plant and no regional sewer service authority. It does, however, provide an opportunity for growth for Eden and intergovernmental cooperation for the City and the County. One issue in this agreement is the schedule of rates proposed.

Governmental waste or sewerage

Proposed:

\$8.86 per 1,000 gallons treated.

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

Minutes of the July 16, 2024 meeting of the City Council, City of Eden:

Residential waste or sewerage

Proposed:

\$9.75 per 1,000 gallons treated.

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

Commercial waste or sewerage

Proposed:

\$15.30 per 1,000 gallons treated

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

Industrial waste or sewerage

Proposed:

\$14.56 per 1,000 gallons treated

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

Leachate waste or sewerage

Proposed:

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

This is what the City is charging Duke Energy for leachate, and it would not want to charge the County more than we are charging Duke Energy. The County controls the tipping fees and could increase these.

Flat rate

Proposed:

\$2,500 per month

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

We feel these rates are reasonable and would bring in an increase in revenue what the City annually receives. Another issue with this agreement is the proposed purchase of Fishing Creek pump station and upgraded sewer line from the County. North Carolina is currently experiencing unprecedented growth. We have seen rural areas outside the city limits developing and growing. In recent years, the City has reached out to developers (residential and industrial) to recruit businesses and housing. Eden has some unique challenges to this endeavor including limited access to interstate highways and also a shortage of developable land inside our territorial jurisdiction. Our rivers also pose a challenge in that we have no sewer connection over the river. One common question that always arises in discussions with developers is access to public utilities. A public sewer system makes development easier and even a reality in instances where it is not feasible with septic tanks. This Agreement as written and negotiated would allow for planned, organized and voluntary growth for Eden in the water/sewer service area as shown on the attached map. Imagine the following scenario: An area close to Eden, but outside the city limits, already has city sewer service and Dan River water. They're paying outside rates, but no city taxes. Would they want to be added to the City limits? The answer would probably be no. But if you reach the area before it develops, before houses are built and sold and you offered to make sewer access easy and affordable, but the property owner must petition for annexation before you build your sewer line or connect them, the answer would be different. Inside rates would be offered. At that point, the developer would have the option of whether the property would be inside the City in order to obtain sewer service, and when the houses were sold, the buyers would know before they bought the property if they were city of Eden residents or not. This type of growth is not as feasible if the City does not own any of the sewer service lines across the river. A situation occurs where the area develops and receives the benefit from the City infrastructure, but the City does not benefit in tax base. The City is already providing the benefit of our wastewater treatment plant to this area, but it is not gaining any real land growth or development benefits from that provision. The City's tax base could benefit from this wastewater provision. In addition, building a line across the river would cost more than \$800,000. This is the reason the Staff is requesting that City Council approve this agreement which includes the purchase and take over of Fishing Creek Pump Station. The Agreement provides that the entity

that owns the lines will control the customers. The Agreement also references the City's ordinance that requires any new customer being added to our system, must petition for annexation. It also gives the City the discretion of whether to annex new customers or not. The City may not want to annex every customer. According to the County's records, the current value of the system without the upgrade is \$796,000. This amount takes into account the estimated depreciation as of 6/30/2022. In addition to the book value of the portion of the sewer to Hilltop, the value of Fishing Creek Pump Station rebuilding is \$1,725,000. In addition to these values, the sanitary sewer force main under the Dan River is being built as part of the demolition of Mebane Bridge. The value of this work is estimated at \$745,547. The City would be getting substantial equity of a new pump station, new force main and existing gravity system with a value totaling approximately \$3,266,547 for a cost to Eden utility customers (including those customers in unincorporated Rockingham County) of \$796,000; a discount of \$2,466,547. The City of Eden is being asked to pay \$0.24 on the dollar for the opportunity to expand the growth potential of the corporate limits (annexation) and future economic development (more growth including roof-tops means more commercial interest). This increase in revenue brought by the rate leveling would bring \$64,000 of new revenue annual to the water-sewer fund, which when added over a 20-year period would pay for the cost of the purchase of the portion of the county system. \$64,000 over 12.5 years is actually \$800,000. The Agreement also allows for other economic development partnerships with the County for providing and investing in utilities in the area. This Agreement provides a framework for expansion if the opportunity arises from the economic development and growth. Any new investment will have to be agreed upon by each Board at the time the investment would be required. Staff was previously asked by Council to provide the following information: The volume and system capacity for this additional pump station, video footage of the pump station and lines to be acquired. The Council was provided this information. The memo regarding capacity from the City Manager is attached hereto as well, indicating approximately 667 future potential houses that could be served with the acquisition. To fully respond to Council's concerns, Mr. Keith Duncan, has been consulted with by Staff to provide an objective assessment of the County's system, pump station and lines to be acquired. His assessment is also attached for your review.

Based upon the following information, Staff feels the agreement as presented is not only a fair negotiation between the City and County, but it provides the City with an opportunity to grow at a slow, planned rate and utilize the resources that we have which is, our public utilities. Staff recommends that Council approve the Resolution to approve the City County Public Utilities Agreement and to finalize the acquisition of Fishing Creek Pump Station and accompanying lines from Rockingham County for the agreed upon price and all terms and action necessary thereto.

Mayor Hall called on Ms. Gilley.

Ms. Gilley said staff was back to present a proposed City-County public utilities agreement. As Council would recall, the City had been in negotiations with the County and looking at the agreement for quite some time. In 1998, the County installed several lines and pump stations to service the limited area of Wentworth Township. The area now included the community college, governmental center and courthouse, which were mostly non-revenue making entities with some commercial and some residential locations. The City agreed to allow the County to connect and discharge those lines into the City's wastewater treatment plant for certain rates which were controlled in an agreement. The agreement was set to expire and staffs of both the City and County would like to enter into a proposed new agreement that would update and increase the County rates and initiate a plan for organized, voluntary growth for the City. Any new customers would now be Eden customers and the agreement would give Eden the flexibility for the growth. At the budget public hearing, there was concern about water and sewer rate increases and rightfully so. With increased costs and no room for cuts, a logical way to lower rates would be to increase the customer base. The agreement was the path to explore that idea. The agreement was for an additional 20-year term. In the contract provided to Council, Mayor Hall discovered a typo that said 30 years. That had been corrected so that there was a consistent 20-year initial term with additional renewal options. The memo she had sent to Council earlier in the month and when the item was discussed last year was lengthy and detailed particulars of the agreement, including rate increases to the County and the proposed acquisition of Fishing Creek Pump Station and accompanying lines. When staff presented the item previously, Council requested more extensive due diligence on the County's pump station and accompanying lines. As a result, staff engaged Keith Duncan, a relative expert with regard to utilities systems in N.C., to evaluate and study the County's station and lines. Mr. Duncan was at the meeting to advise Council on his findings and to answer any questions or concerns Council may have. Based on the foregoing and Mr. Duncan's findings, staff recommended approval of the resolution to adopt the agreement and to finalize the acquisition of Fishing Creek Pump Station and accompanying lines from Rockingham County at the agreed-upon price. She turned the discussion over to Mr. Duncan.

Mr. Duncan said Ms. Gilley did a great job of breaking everything down. He had been asked by staff to look at the system and evaluate it. He started in late winter and had just recently finished. He provided background on why the sewer got to Eden in the first place. In the 1990s when he served on the Board of Commissioners, DENR put the County under SOC which later became NOV, violation of wastewater discharge for the governmental buildings and the school system. The County had to do something quick with wastewater discharge in the Wentworth area. They had negotiations with Reidsville and they broke down. They came to Eden and started discussions with Council, mayor and staff. At the time, Eden was discussing the possibility of an industrial park on the Loop Road. There were three being proposed in Rockingham County and Eden was the first at that time. It made more sense for the County to bring the line down Highway 87 into the wastewater treatment plant, which they did. The County was very grateful to Eden for working with them to try and make that happen on behalf of the citizens of the County at a reasonable cost. He had turned over the information he gathered, and there was quite a bit of it, to the city manager. He obtained some flash drives of the system being videoed by another company. There were some issues with the videos and Council Member Nooe saw those too. The line had probably been in for 30 to 35 years in some places. Over time, there would be accumulation inside the lines on the sides of the pipe. That prevented the camera from getting a clear shot in some of the areas. He got pricing from KRG, probably the largest firm in the Triad and they did all of Greensboro, Winston-Salem and High Point videoing for point repair work. It was an expensive operation to come video the lines and come flush them again if that should ever take place. His projected cost was around \$18,000 to \$24,000. If the City decided to move forward, it had the same equipment KRG did to possibly do the work at a much cheaper rate. He knew the City had a video vac/flush truck. He found two sections of line north of 87/Loop Road that had deflection in, he called them dips, where he could not get a clear view of the pipe because there was so much sewage in it. Those could be repaired if the City took the system over at some point. Repairs would be \$55,000 to \$60,000 for both repairs. That was an estimated cost. City forces could probably make the repairs at a much cheaper rate. When the line was put in, they tried to run it under the river at Mebane Bridge and ran into some issues. The contractor was not able to get the pilot bit under the river because rock and sand prevented it. That was the first thing that had to be done before the reamer was pulled back to make it big enough to pull the HDPE through. DOT allowed the pipe to be hung on Mebane Bridge. At some point, the pipe would have to come down as he thought the State really wanted to take the bridge down in the future. The County had two grants for improvements to the system. One was Fishing Creek Pump Station right below the Goldston property on Harrington Highway. It was built in the flood plain so it would be moved out of the flood plain in the same general area. DOT had agreed to pay 100 percent of the cost to do a directional bore under the river at no cost to the County and in all grant money. All that work was in design currently by LKC Engineers in Southern Pines.

Mr. Duncan said the river crossing would be 100 percent paid by DOT funds. They already had an agreement with the County at no cost to the County. The pump station would be moved to a new location with all new equipment, wet well and everything, except it would have the same pumping capacity per gallon as the one now. According to the grant, it could not be increased. The gallons per minute had to be at the same rate. The pump station was not even close to pumping the rated capacity per day. That was being covered while everything else on the line was not and would stay the same. The line would not change, just the pump station and the river crossing. Rockingham County Manager Lance Metzler and Director of Engineering & Public Utilities Ronnie Tate had been great to work with Mr. Duncan, as well as Bill Lester from LKC, to provide information he needed to present to Council. To make a long story short what would happen when this was completed by the County was, and it was being offered to the City for \$796,000, the system would be worth about \$2.8 million with the grant money included for improvements. That was almost a 200 percent increase in value once it was completed. Where it went after his presentation was up to Council. He was not there to persuade them on why they should or should not take it. He just did what he was asked to do on numbers based on the proposal in the agenda. He might be able to answer a few more questions if Council had any.

Council Member Wood asked what the life expectancy was for a pump station.

Mr. Duncan said they could operate anywhere from 30 to 40 years if maintained properly. The pump stations had to be maintained properly. The County contracted with a firm to maintain the pump stations throughout the County. Every so often there would be a seal failure in a pump and that was just normal. It was a matter of taking it out and

having it repaired and putting it back in. The pump station would have a new standby generator and all the latest technology and telemetry to notify in case of a failure or emergency situation. It would come with the latest technology on the market today. All pump stations had to be approved by state construction in Raleigh before they could even be put in the ground.

Council Member Ellis asked if the new location had been determined.

Mr. Duncan said yes, it would not be far. The other one just happened to get in the flood plain. Council Member Nooe as a civil engineer knew more about it than he did as a licensed general contractor with an unlimited license in N.C. to do water, sewer and pump stations. For the last 15 years of his career he had built mainly pump stations from Durham to Asheville to Boone and in between. He had more experience in that than he had anything. His license was still current.

Council Member Ellis asked if he had seen a similar situation of a county wanting to sell to the city.

Mr. Duncan said there had been mergers at different times as municipalities took over private systems if the operator could no longer afford to keep them up or were in financial constraints. It happened all the time. There would be no strings attached to this. It would have to be certified by the State before it could be certified to be in operation. The County would probably see the project through to completion because it was in design currently. It would not make sense for them to back up and put it in the City's hands, and the City would not want that anyway since it was already in the works. Once they got it completed and signed off on, it was a 200 percent increase of the system. Regarding the two areas on Highway 87, they could work for a long time but then again, they could cause a problem. They were currently functioning fine. When it came through the pump station, there were not a lot of solids, most everything was in a liquid form. It had a head behind it, which meant pressure, which was pushing it on down toward the lift station.

Council Member Ellis asked how Eden's wastewater treatment plant compared to others Mr. Duncan had seen.

Mr. Duncan said Eden had an excellent waste treatment plant, one of the best. He saw them all the time and had worked in them all over western N.C. The times he had been in the plant, it was kept in excellent operational shape. They had to file monthly reports to DENR on the wastewater discharge and had to comply. If they did not, the City would be slapped on the wrist. He said Council knew all about working with DENR from the issues the City was working through. The County had mentioned to him that they could work out a 10-year payback schedule so it would not create a hardship on the City's annual budget. The City would still charge the County for what was coming to Eden from Wentworth, that would not change unless the City increased the rate in the future and that would be up to the City to charge whatever it cost for treatment.

Council Member Underwood asked how much the City was currently receiving.

Mr. Mendenhall answered 1.7 million gallons per month. The increase with the rates would be about \$68,000 or so and that was an increase over what they were currently paying. They were paying much lower rates than what was being proposed.

Council Member Ellis noted \$68,000 for 10 years would be \$680,000. He asked if the price was \$795,000.

Mr. Mendenhall said yes. Previously in 2023, staff estimated the payback would be 12.5 years.

Council Member Ellis said in other words, the City would end up only paying about \$120,000 based on current estimations.

Mr. Mendenhall agreed.

Minutes of the July 16, 2024 meeting of the City Council, City of Eden:

Council Member Underwood asked if it was correct that the City would get more money in the long run if the City did not take the lines and there were 250 to 300 houses built in the area that tapped onto City sewer.

Mr. Mendenhall said the flow would be at a discount rate. If the houses were built in unincorporated Rockingham County, it would be at the contract rate and he wanted to read those because he thought it was important to understand.

Mayor Hall said in general contractors did not like to build 200 houses where they had to put in 200 septic tanks.

Council Member Ellis asked Ms. Stultz how long the property owner on Summit Loop had been waiting to connect onto City sewer.

Ms. Stultz said it had been a few months. It was only one lot at that point.

Council Member Ellis asked how many houses had been annexed in the past 10 years.

Ms. Stultz said she did not immediately have the number but they had all been voluntary and been in order to get on City sewer according to policy.

Council Member Underwood asked if it was correct that the City could not forcibly annex.

Ms. Stultz said that was correct and the City did not have to serve those with water and sewer or allow them to connect.

Ms. Gilley said annexation had to be voluntary.

Mr. Mendenhall referred Council to page nine of the agreement which outlined the various rates to be charged. The County was receiving a substantial discount now, primarily because of the customer base. The majority of the customers were the schools, governmental center, jail, DOT, DMV and all types of government uses. The residential rate proposed for the County was \$9.75 so under this scenario of homes being built outside the corporate limits of the City in unincorporated Rockingham County, they would be charged \$9.75. In the current adopted budget fee schedule, someone in the unincorporated area of Rockingham County outside the corporate limits would pay \$15.90 on sewer in they were the City's customer. There was a substantial rate differential or discount the City would inadvertently encourage and promote growth on a cost basis because of the discount going on in unincorporated Rockingham County. The City would essentially be pushing growth outside the Eden service area to the County service area just on a dollars and cents basis because it was cheaper. Water and sewer would be cheaper. In this case the sewer would be cheaper because they would get the preferential rate from the County rather than what the City would charge if they were the City's customer of \$15.90 on a 1,000-gallon usage charge.

Council Member Underwood asked if it was correct that it was currently bringing in \$68,000.

Mr. Mendenhall said no, that would be the increase from what they were paying today to what they would pay under the new rates.

Council Member Nooe said since the current rates were so low with the increase, he asked if the \$68,000 would cover the cost of treating the sewage. He asked if the \$68,000 was additional and not associated with any cost.

Mr. Mendenhall said staff would have to go back and study that as it had been some time since they had looked at it. Costs had gone up significantly due to utilities and chemical costs over the last six months. That had not been restudied since the topic was first talked about in 2022. Staff would be happy to do that if Council liked.

Council Member Nooe said he was wondering because they said they would use that money to pay back for the pump station but it may be needed to pay for the cost of treating the sewage. The rates they were charging may not be enough to cover that cost.

Mr. Mendenhall said that was a fair concern, and there was a summary sheet for each member on the dais, and the rates had been frozen with the County for some time. Residents of the City had been passed on rate increases over time, which the City tried not to do every year and tried to make sure did not exceed the cost of inflation as no one wanted to put that burden on the customers. It did cost money to treat sewage and water. The County's rates had been frozen for a long, long time. City customers had been inflicted rate increases while the County and their customers had not. One of the important parts of the new agreement was that any future rate increase they received was tied to CPI and was annualized so as the City's costs went up, what they paid would go up. There was a five percent cap. Council should keep in mind the County rates had not gone up in a very, very long time.

Council Member Epps asked how many customers the City would get if they accepted the offer before anything else was built.

Mr. Mendenhall said he thought it was less than a dozen tied on in the Yount Road area. It was not a windfall the City would receive.

Council Member Epps asked if there was an expectation for growth.

Mr. Mendenhall said it was a technical engineering analysis, and there was some concern about the depth of the sewer and what could be tied on. Looking at growth in Rockingham County, it was occurring south to north coming out of Guilford County there was a lot of growth in the Wentworth/Rockingham County High School attendance zone. Based on platted lots, there was a lot of growth toward Bethany. There was growth moving this way and it was anticipated the City would see more growth. Staff had talked to a few developers. There were tracts of land out there. It would probably not be super easy for gravity sewer and there would probably have to be some neighborhood pump stations. There were some technical engineering concerns on line depth and that sort of thing. They knew there would be good capacity at the pump station and there was tremendous capacity at the sewer plant. Staff was trying to make sure they were growing in some way, shape or form.

Council Member Epps asked if there were a lot of people there who were on septic tanks and not connected.

Mr. Mendenhall said he thought the most recent houses built had tied onto the County sewer but everybody else out there was on septic and that raised a good point too that those septic systems could fail and residents may want to tie onto sewer which was something seen on the west side of town quite a bit. There were a lot of failing septic systems.

Council Member Underwood asked if there was a clause that any new houses that tied onto the sewer would be forcibly annexed into the City.

Mr. Mendenhall said no, there would be no forcible annexation which was illegal in N.C. There would be an agreement that to receive City services, they would have to be a resident of the City, which was a longstanding City policy. There were also some considerations that if it were not advantageous, the City may not want to annex the property. That was a policy question of Council. Regarding a sufficiency of annexation, Council may decide they do not want to annex because they would rather the resident pay the outside rate and the City not have to drive the garbage truck to the home. The ones and twos, threes and fours may not be advantageous to service, it may change fire response zones or payment in lieu of to volunteer fire departments. As properties were annexed there were a lot of considerations around solid waste, police and fire. There may be a time when the cost benefit was looked at and the Planning Department said they had talked to Public Works and they did not want to drive a garbage truck a mile outside the City to pick up one garbage can, it did not make sense. It would become a discretionary act of Council as to whether they would want to enter into an annexation agreement in exchange for the sewer service.

Council Member Epps said it would be done on a one-to-one situation.

Mr. Mendenhall said it would be. The City would never grow sufficiently with one house being built here and there. The City was really looking for a subdivision and a developer platting street in a multi-phased development. It may not be 200 units, but a solid 20 to 40 units phased in over time similar to the construction on Highway 135 would be advantageous long term.

Ms. Stultz said the developer would pay for those improvements just like they did now anywhere inside the city limits.

Council Member Ellis asked if staff had heard of any future development planned for the area.

Ms. Stultz said no because currently they would have to go to the Rockingham County Planning Department.

Mr. Mendenhall said staff had talked with several developers who were looking and based on current construction standards and health department regulations with the provision of public water they could have half an acre lot. The lot yield in a subdivision on half acre lots did not get the dollar threshold of the level of investment for the improvements like the streets that Ms. Stultz was talking about. They needed to get down to a sixth or eighth of an acre to get the yield where it needed to be. That was a function of construction costs. They were not seeing new developments large tracts with half acre or acre lots. The money was not there and enough of them could not be sold to get the return so they were really looking at smaller lots, small square footage and they needed water and sewer to meet the health department guidelines. They could not be done on septic and well and go that dense. That was a problem from the development side was lot yield.

Council Member Underwood asked how much would have to be put back yearly in capital outlay for the project. He asked if that had been thought of.

Mr. Mendenhall said staff had thought about it and that was why they hired Mr. Duncan to look at it. There were some upfront costs that would probably have to go into a 10-year CIP to do done. Moving forward from that, it exceeded the long-term vision of a 10-year CIP. It would probably go into a sewer master plan somewhere. A lot of the improvements that may be needed were looking way past a 10-year timeframe. Staff would have to master plan it and then incorporate it into the CIP as time marched in that direction.

Mr. Duncan said the County was open to whatever the payback limits were if needed.

Council Member Underwood noted Council Member Nooe brought up the treatment of the waste and what would have to be put back up. He did not think there would be enough money coming in to cover all that. The City did not have a bit of responsibility for what they had coming in now. None whatsoever. If it was going to grow out there, it was going to grow out there whether the City owned the sewer line or not.

Ms. Gilley said that was not exactly the truth because as Mayor Hall had pointed out, there were not a lot of developers who wanted to put in subdivisions with septic tanks. She did not think the County was in the business of doing the extensions like the City would be looking to do.

Council Member Underwood said if they still tapped onto the line, the City did not have any responsibility or upkeep and would get the money off of it.

Council Member Nooe said in most developments he had recently been working on, the developer installed the infrastructure. He asked if that was what the City was promoting, that the City would pay. Most of the time the developer paid for the infrastructure and once it was installed to standards, it was accepted by the City for maintenance.

Mr. Mendenhall said that was a good question. He directed Council’s attention to the economic development caveats in the agreement. It was primarily designed for a level of investment approach. It began on page four and there was a map. It got into what was called the WSSA which was the Water Sewer Service Area. It was designed to protect the Eden service area as other utilities in the County expanded with growth elsewhere like water and sewer on Highway 220 and possibly on Highway 29. There were some service areas outlined. The map (projected on the screen) was the WSSA with the different service zones. That was the economic development participation rates. Council could see on page five that Service Area A was 100 percent City while Service Area B was 50/50 participation between City and County on main sizes and/or outfall sizes. Service Area C was subject to further study. They could see some guidelines on page 6 of what the City would be paying for. They were not talking a 10-acre project or five employees. Council could see a table (below) with acres, jobs, level of investment and cost share of what they were talking about. It was a guideline and not strict policy but laid out what the City would participate in.

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

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

Mr. Mendenhall explained it was an economic development tool in those service areas A, B, C and D where there was scarce availability. The map projected where Eden could grow over the term of the agreement and how that would work with County participation and what the economic development would potentially look like.

Mayor Hall said he thought Council Member Nooe’s point was more residential in nature.

Council Member Nooe said yes, that was basically what they had been talking about.

Mayor Hall asked if a residential developer who bought 100 acres and wanted to put water and sewer in it and tie onto the line would pay for the infrastructure.

Mr. Mendenhall said that was correct.

Mayor Hall said that was already the City’s policy.

Council Member Nooe said he also saw that a lot of places required them to extend sewer to the adjoining property so they could pick up and continue on. He could understand participating on that in areas where it was for the City’s benefit.

Mayor Hall said the developers factored that in. The large development companies like DH Horton and other nationwide companies had a formula. They punched the numbers in to determine how many houses they could get on a lot, how many feet of line they had to have and how many people worked within that distance. It was a formula and if all the boxes were not checked, they would not be interested in building in an area. It was a philosophy question as to whether the City was interested in having developers come in and build 200 houses or if the City was happy to stay inside the riverbanks.

Mr. Duncan said he thought it was also worth mentioning that some return on investment would be in building fees for the lots in the Planning Department.

Ms. Stultz said if they were not inside the City obviously the County got those.

Mr. Duncan said right now basically the ETJ just covered where the line was from Bethlehem Church Road up to Highway 87. He got a map that day from the County that showed the ETJ.

Council Member Underwood asked what the probability was of the State coming in and telling the City or County they needed to upgrade it.

Mr. Duncan said in this particular situation, zero. For one thing, it was not even close to being at capacity. He verified with Council Member Nooe it had to be at 80 percent to plan for expansion by DENR or the State. It was the same thing at the treatment plant.

Council Member Ellis asked Ms. Stultz how much buildable land was inside the City currently. He asked if the City was truly landlocked from building houses. He asked if there 15-acre tracts or more for sale within the City.

Ms. Stultz said one of the things the City had to remember was its unique location. If they tried to develop north or east, they ran into Virginia and they could not require them to be annexed. The biggest hope for the City growing and increasing State-shared revenues and all of those things based on a nose count was expanding south and west. The mill villages were fairly built out. There was a company that wanted to build a 40-lot subdivision and it would require a conditional use zoning change and a lot of plans to make that happen. They were inside the City. There was not a lot of property except what surrounded Oak Hills Golf Course. There were some parcels but nothing if Eden began to experience the exponential growth they had the potential to accommodate. They really did not want executives to have to live in Greensboro. That happened fairly often now.

Council Member Ellis said it was happening now.

Ms. Stultz agreed. Not only that, there was a lack of middle housing which was between a starter home and a forever home. She thought they needed to look at it long term. For the community's future, south and west were the only directions they had.

Council Member Ellis asked about the distance of the ETJ.

Ms. Stultz said in some areas it was two miles and in others less than that because when Wentworth incorporated they developed an ETJ and Eden could not run over it. If it was in Wentworth's ETJ and the resident asked Eden to annex them, it was a whole different ballgame.

Council Member Nooe asked if the City knew where Dan River Water's service area was and where the City could install City water. He asked if there was a line he was not aware of. He would like to make a motion to get with Dan River Water or determine in-house where the City could install water lines and not compete with Dan River. In areas where the City was competing with Dan River, he would like to know what options the City had to takeover or negotiate with Dan River to purchase their lines. He did not see where the gravity lines were any use to the City unless a bunch of pump stations were built so he would like to study the areas Eden wanted to grow and come up with a plan so they were not just shooting in the dark as to where the City could grow and service. His motion was to study water and sewer further to see what the City could do. His motion would be to table it and do further investigation.

Council Member Kirkman seconded the motion.

Council Member Ellis asked Mr. Mendenhall if 90 days was enough time.

Mr. Mendenhall said there were some considerations and Ms. Gilley could provide where they were on the expiration of the existing agreement.

Council Member Ellis asked if the City could adjust the rates now and table to renegotiate with the County.

Ms. Gilley said the agreement expired August 1. Council would need to vote to authorize staff to grant another extension to the County. She was sure the County would do that otherwise their rates would go to what they were for everyone else.

Council Member Nooe amended his motion to extend the agreement with the County and do further research regarding Dan River Water's service area and what would be considered the City's service areas, what areas could be served by the pump station and what areas were beyond that the City may want to look at.

Mayor Hall asked if the County would extend the agreement to the end of the year.

There was a discussion about the length of time the agreement needed to be extended.

Mr. Mendenhall asked if the City needed to ratify the agreement without the purchase and make the purchase an additional step. Council had extended now three times, or 18 months, leaving a total of \$90,000 to go out the door.

Council Member Nooe said if they were independent steps he was fine with that.

Council Member Ellis asked if the Council could install the rates that night.

Mr. Mendenhall asked for staff to be excused to confer. He would hate to go six more months and lose \$30,000 or \$40,000.

Mayor Hall excused staff to discuss.

RECESS

Ms. Gilley said staff recommended an extension of about 30 days. The City did not want to be continuously losing money on a rate they could be getting from the County in an increase. Thirty days would help determine how much time would be needed for a study. She recommended the extension to September 1.

Mayor Hall noted Council Member Nooe's motion was to table and do an extension to the current agreement.

Council Member Nooe amended his motion to include the extension was for 30 days.

Mayor Hall said the motion was to extend the agreement for 30 days and to table a vote on the purchase until a study was finished.

Council Member Kirkman seconded the amended motion.

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

* After Consent Agenda, Ms. Gilley advised Mayor Hall that the motion needed to be at least before the next Council meeting so Council could act, and they did not have to meet before the next Council meeting. She asked that the motion be changed to an extension to September 1 instead of an extension of 30 days.

Council Member Nooe amended his motion to extend to September 1. Council Member Kirkman seconded the motion. All members voted in favor of the motion. The motion carried 7 to 0. *

NEW BUSINESS:

- a. Consideration to adopt a resolution of intent to close an unopened section of an unnamed street/alleyway near May Street.

Ms. Stultz wrote in a memo: The City has received a request from Paul Dishmon representing the Draper Volunteer Fire Department and David Johnson to close an unopened street/alley on the east side of May Street. Attached you will find the petition, Staff Report, Resolution of Intent to Close an Alley on the east side of May 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.



Ms. Stultz said this was a need of the Draper Volunteer Fire Department. There was a paper street between the City fire station and theirs. In order for them to meet setbacks, the section of street needed to be closed so that the planned addition could be done to the fire station. Council needed to adopt a resolution of intent to close it. It had to be advertised for four weeks and would come back before Council. The Draper Volunteer Fire Department paid the \$800 that it cost to do a street closing.

A motion was made by Council Member Ellis to adopt a resolution of intent to close an unopened section of an unnamed street/alleyway near May Street. Council Member Light seconded the motion. All members voted in favor of the motion. The motion carried 7 to 0.

**RESOLUTION OF INTENT TO CLOSE AN UNOPENED STREET, ALLEY, AND UTILITY
AND RIGHT-OF-WAY EASEMENT
ON THE EAST SIDE OF MAY STREET**

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 unopened street/alley/utility and right-of-way easement located on the east side of May Street:

BEGINNING at a point in the northern line of an unnamed Utility and Right of Way Easement, said point being the northwest corner of a 0.434 acre lot owned by City of Eden (Deed Book 719, Page 594) as shown on a survey by Samuel J. Coleman Jr., RLS dated September 14, 1999 and revised August 21, 2000 recorded in Map Book 46, page 23 in the Office of the Register of Deeds for Rockingham County, N.C.; thence with the west line of City of Eden South 20 deg. 42 min. East 27.33 feet to a point, marking the northeast corner of a 0.339 acre lot as shown on the aforementioned plat; thence with the south line of the unnamed Utility and Right of Way Easement and the northern property line of the 0.339 acre lot, South 69 deg. 18 min. West 103.68 feet to a point marking the northwest corner of the 0.339 acre lot; thence North 20 deg. 42 min. West 10 feet to the north east corner of a lot shown on aforementioned plat belonging to Huffman Property Management Specialists (formerly Homer Wood, Deed Book 845, page 614), thence North 20 deg 42 min. West, a new line, to a point in the southern property line of Draper Volunteer Fire Department (formerly Stephen B. Hodges, Deed Book 775, Page 1754); thence North 64 deg. 45

min. 15 sec. East to the southeast property corner of lot formerly owned Stephen B. Hodges Deed Book 775, Page 1754 as shown on aforementioned Plat, currently owned by Draper Volunteer Fire Department; thence North 69 deg. 12 min. 39 sec. East 62.24 feet to the POINT OF BEGINNING and being a portion of the unopened portion of the unnamed Utility and Right of Way Easement.

BE IT FURTHER RESOLVED that the City Council does hereby call for a public hearing on the said closing to be held on the 20th day of August, 2024, at 6:00 P.M.

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

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

APPROVED, ADOPTED AND EFFECTIVE, this 16th day of July, 2024.

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 pleased to answer any questions about the report.

Mayor Hall said there was a lot of good safety information about the rivers for the summer. Copies were available online, at the meeting and in Eden's Own Journal.

City Manager's Report
July 2024
City Manager Jon Mendenhall

ADMINISTRATION

Marketing & Communications Office

Our rivers are ready for you and your adventures! We want you to have fun and stay safe. Here are some safety guidelines to remember while you are on the water:

1. Wear your life jacket! It's always possible to capsize in any water condition.
2. Make sure you know where you are going. Always tell a responsible person about your plans of where you will be and when you expect to return.
3. Check the weather forecast before you leave for your destination so that you can pack the proper equipment.
4. Know the water conditions. Sometimes the river will be high, low, or a dam may be releasing. This makes water conditions very different and it is important to know what to expect.
5. Know the rules to navigate the water. Find out what you need to know while on waterways.
6. Beware of Strainers. Strainers are fallen trees, bridge pilings, undercut rocks, or anything else that allows the current to flow through it while holding you. Strainers are deadly.
7. Never go boating or tubing while under the influence of alcohol or drugs.
8. Know your paddling abilities and plan your outings accordingly.
9. Dress appropriately for weather conditions. Carry extra clothes in a dry bag in case you flip and go for a swim.

10. Never float or paddle over low-head dams, avoid fallen trees and other in-stream obstructions.
11. Do not stand up in a canoe or kayak, and avoid weight shifts that may cause capsizing.
12. If it is your first time on the water, travel with an experienced person that has navigated that part of the river before.

SHAGGIN' ON FIELDCREST is set for Saturday, July 20 from 2 p.m. until 10 p.m. We have moved to 213 Main Street because we are growing and need more room. Come enjoy 3 great bands, food trucks and cold beverages. Please remember to bring your lawn-chair. Admission is FREE. No outside coolers are allowed.

Our Summer Grown & Gathered set for Thursday, August 8 is SOLD OUT!

We want to thank everyone who came out and enjoyed OINK & ALE on June 15. We had a great crowd and enjoyed a live concert by Landslide – A Fleetwood Mac Tribute, delicious barbecue and refreshing beverages. Another THANK YOU to all our volunteers and vendors that made the night the success it was.

TOUCH-A-TRUCK is looking for cool vehicles to display on Saturday, August 17. If you have a piece of equipment, truck, etc. that you think kids (little and BIG) would enjoy seeing, touching, etc. please let us know. Please call 336-623-2110 and ask for Marketing & Special Events. This is an awesome event that kids really enjoy.

PARKS & RECREATION DEPARTMENT

Recreation Division

Bridge Street Recreation Center: Bridge Street Recreation Center stays busy with daily walkers, fitness classes. Our children's Summer Day Camp program is staying very busy with several activities each week.

Mill Avenue Recreation: Pickleball is played Monday, Wednesday, Friday and Sunday mornings. Cornhole games are bringing in a lot of players. Prowlers are gearing up for football, volleyball and cheer.

Mill Avenue Pool/Freedom Park Splash Pad: Both the pool and splash pad are opened every day from noon until 6 p.m.

Freedom Park: New lighting will be added to the all-purpose fields. Light poles and lights have been delivered and now we are waiting on the contractor to install them.

Senior Center: The seniors are staying busy this month playing pickleball, bingo, quilt making class, line dancing classes, watercolor classes and so many more fun activities. Please check out the Garden of Eden Senior Center Facebook page with a schedule full of events.

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

Local Codes Inspections June 1, 2024- June 30, 2024

Total Local Code Inspections Performed 47

Local Code Notices Sent 70

Local Codes Abated 50

Inspections & Permits June 2024

Total Inspections Performed 281 (Does not include fire inspections)

Total Permits Issued 147

Boards & Commissions

The Community Appearance Commission met for the month of June but did not have a quorum. The Historic Preservation Commission did not meet for the month of June.

The Tree Board did not meet for the month of June.

The Planning Board met for the month of June to advise on the Street Closing case SC-24-02, but did not have a quorum.

POLICE DEPARTMENT

During the month of June, we continued our recruitment efforts in search of quality applicants to attend the Fall BLET program. We are currently conducting preliminary background investigations on three (3) candidates.

June 10 through June 13, Deputy Chief Anthony Lovings participated in the “District C” Teamships program at Morehead High School. This program allowed Deputy Chief Lovings to present, high school students from across the county, a real life issue our agency is facing (recruitment and Retention) and work with the students to develop solutions.

At the City Council meeting on June 18 Officer Josh Roberts, Tim Knight and Lieutenant Andy Johnson were recognized for the river rescue. On June 26 these officers were recognized for their life saving efforts at the North Carolina General Assembly.

FIRE DEPARTMENT

The Fire Department responded to 67 calls for the month of June. The Fire Marshal completed 66 inspections the month of June. Fire Station 2 has begun renovations. All new flooring, ceiling tiles, and countertops were installed. Crews have started painting the interior of the building. Paneling was replaced with sheetrock in the dayroom. Fire Station 4 remodel project has been completed. The right-side cement driveway has been poured. We are looking to have a cement pad done on the hillside to move the metal carport.

PUBLIC WORKS DEPARTMENT

Streets

Maintenance activities have focused on patching; 94 tons used based on asphalt plant availability and concrete work at 120 yards on Stadium Drive at the Fire Department have been completed. Streets are currently working on our street signs and traffic sign maintenance program along with vegetation control treating 35 miles on our City streets, curbs and gutters. Streets have removed several bags of litter from our City streets. Approximately 325 cubic yards of leaves/grass clippings for leaf collection have been collected. Mowing crew has taken care of 30 acres of vegetation owned by the City of Eden. The Stratford Drive project has been completed which includes 32’ of 12” RCP being installed as well as removal of several stumps.

Construction

The Construction Crew has completed tying all the residents to the new water main and sowed back all disturbed areas on Circle Drive and have also killed out the old galvanized 2”. Fire Department Station 4 has completed the building pad for the relocation of the metal shed currently on the left side of the station. The pad is on grade and ready for concrete. Approximately 100’ of ditch at the intersection of Maryland and Hale Street and 155’ of ditch on Bay Street has been cleaned. The Bridge Street municipal parking lot has had their debris cleaned up and, removed the telephone pole, retaining wall, hauled in dirt to slope bank, installed rip rap rock on steep section and covered other areas with mulch. Concrete still needs to be poured around the EV chargers and behind the dumpster pad the finish up the mulch in those areas.

Collections & Distribution

Collection and Distribution crews continue to maintain water and sewer repairs as needed as well as easement/outfalls. The report of water leaks reported by citizens increased significantly and there was a slight increase in reports of sewer blockages. Staff worked diligently to make sure all the reports of both water and sewer leaks were addressed. Staff have also been assisting the fire department with hydrant repairs.

Solid Waste

The Solid Waste Division continues 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 510.89 tons. The amount of vegetative tonnage (brush) collected in June was 14.45 tons while bulk waste tonnage collected was 135.60 tons.

Fleet

The Fleet Division had 83 work orders which includes all outside repairs, road calls as well as regular service, tires and NC inspections.

Utilities

Staff met with McKim & Creed to provide information as a follow up for the Railroad and Covenant Branch Force Main Improvement Plan. Also, had a conference call with the State and the engineer to discuss the next steps for the lead and copper grant. Our team had a meeting to plan the tabletop exercise and plant drill for chlorine that will be held at the plant in a few months. County Emergency Management is heading this up. Synagro has finished cleaning out the liquid in the North Basin. Soon they will bring an excavator to pull solids for a land application. Once they reach their limit, the rest will be placed in the drying beds. Our team had a call with software vendor NOVO to see a presentation of their software and ask questions about how it can help with asset management.

CONSENT AGENDA:

- a. Approval and adoption of the June 18 regular meeting minutes.
- b. Approval and adoption of a resolution amending the Capital Reserve for the General Fund and Budget Amendment #1.

Finance and Personnel Director Tammie McMichael wrote in a memo: In 21-22, the city established a Capital Reserve fund to allow for incremental savings to pay for future large capital projects. We need to amend the Resolution to include a Autocar Garbage Truck. Also, please find attached Budget Amendment #1 that allows the city to move funds to the Capital Reserve for the General Fund. The Capital Reserve fund will enable the city to rely on Pay-Go financing while not increasing the burden on tax rate payers.

RESOLUTION OF THE CITY OF EDEN AMENDING A CAPITAL RESERVE FUND FOR THE GENERAL FUND

WHEREAS, under North Carolina General Statute the City of Eden is authorized to establish a capital reserve fund for any purposes for which the City may issue bonds,

WHEREAS, pursuant to North Carolina General Statute §159-19, the resolution may be amended from time to time in the same manner in which it was adopted and

WHEREAS, there is a need in the City of Eden to maintain an effective fleet of emergency management (Police and Fire) and sanitation (Solid Waste) vehicles to meet service levels and demands;

WHEREAS, there is a need in the City of Eden to provide funds for these future capital projects related to fire and police and solid waste vehicle replacements; and

WHEREAS, the creation and amendment of a capital reserve fund to be used for the purchase and replacement of fire and police and solid waste vehicles is allowable under NCGS §159-18; and

WHEREAS, the Eden City Council deems it in the best interest of the City of Eden and its residents to amend the capital reserve to fund necessary capital improvements; and

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

- 1. A Capital Reserve Fund is hereby amended as allowed under North Carolina General Statutes 159-19 for the purpose of funding capital projects related to the purchase and replacement of Fire and Police and Solid Waste vehicles: Reserve for the purchase and replacement of Fire and Police and Solid Waste vehicles. Funds for the anticipated capital improvements as identified in the Capital Improvement Plan for Fire and Police Vehicles are estimated as follows:
 - a. Fire truck Replacement \$500,000.00
 - b. Police vehicle Replacement \$1,014,100.00
 - c. Autocar Garbage Truck \$432,300

Minutes of the July 16, 2024 meeting of the City Council, City of Eden:

The project will occur in phases, with an expected expenditure completion date of FY 2033-2034 as outlined the City’s 10-year CIP. The City expects to allocate the following revenue sources to fund these projects: sales and use tax proceeds.

The July 16, 2024 budget amendment (#1) appropriation from the General Fund to the Capital Reserve Fund is \$500,000, comprised of General Fund Revenues.

2. This Capital Reserve Fund shall remain effective until all the above-listed projects, and any projects added in the future, are completed. The Capital Reserve Fund may be amended by the governing board as needed to add additional appropriations, modify or eliminate existing capital projects, and/or add new capital projects.

3. This Resolution shall become effective and binding upon its adoption.

APPROVED, ADOPTED AND EFFECTIVE this 16th day of July, 2024.

CITY OF EDEN

By: Neville Hall, Mayor

Attest: Deanna Hunt, City Clerk

Account #	From	To	Amount
General Fund Revenues			
Fund Balance Appropriated	10-3991-99100	\$ 719,300.00 \$ 1,219,300.00	<u>\$ 500,000.00</u>
General Fund Expenditures			
Transfer to GF Capital Reserve Fund	10-9920-76000	\$ - \$ 500,000.00	<u>\$ 500,000.00</u>
General Fund Capital Reserve Fund Revenues			
GF Capital Reserve Fund Transfer from General Fund	26-3831-10000	\$ 1,514,100.00 \$ 1,946,400.00	<u>\$ 432,300.00</u>
General Fund Capital Reserve Fund Expenditures			
GF Capital Reserve Fund Transfer to General Fund	26-9920-01000	\$ 1,514,100.00 \$ 1,946,400.00	<u>\$ 432,300.00</u>

Amend budget ordinance for General Fund Capital Reserve Fund and transfer funds from FY 23-24 fund balance increase.

Adopted and effective this 16th day of July, 2024.

Attest:

Deanna Hunt, City Clerk

Neville Hall, Mayor

c. Approval and adoption of Budget Amendment #2.

Assistant Finance Director Amy Winn wrote in a memo: The attached budget amendment appropriates fund balance (from FY 23-24) to pay off the 2017 Street Resurfacing loan. Once this payoff and the payoff of a 2019 Streets/Recreation loan that is budgeted in FY 24-25 are complete, the General Fund will have only one loan outstanding.

Minutes of the July 16, 2024 meeting of the City Council, City of Eden:

Subject	Budget Amendment # 2		To	Amount
	Account #	From		
General Fund Revenues				
Fund Balance Appropriated	10-3991-99100	\$ 1,219,300.00	\$ 1,919,300.00	<u>\$ 700,000.00</u>
General Fund Expenditures				
Street Resurfacing - Principal	10-4515-76000	\$ -	\$ 700,000.00	\$ 700,000.00

Appropriates fund balance for the retirement of General Fund debt.

Adopted and effective this 16th day of July, 2024.

Attest:

Deanna Hunt, City Clerk

Neville Hall, Mayor

- d. Approval and adoption of a resolution to accept DWSRF-LSLR loan funds and Budget Amendment #3.

Resolution to Accept

Drinking Water State Revolving Fund – Lead Service Line Replacement Loan Funds

WHEREAS, the Bipartisan Infrastructure Law (BIL) of 2021 and North Carolina General Statute (NCGS) 159G have authorized the making of loans to aid eligible, drinking-water system owners in financing the cost of inventorying and replacing lead service lines; and

WHEREAS, the North Carolina Department of Environmental Quality has offered a Drinking Water State Revolving Fund – Lead Service Line Replacement (DWSRF-LSLR) loan in the amount of \$527,600 to conduct inventory completion and line identification, hereafter referred to as the “Project”; and

WHEREAS, the City of Eden intends to conduct said Project in accordance with a scope of work that was approved by the North Carolina Division of Water Infrastructure.

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

That the City of Eden does hereby accept the DWSRF-LSLR loan offer in the amount of \$527,600; and

That the City of Eden does hereby give assurance to the North Carolina Department of Environmental Quality that they will adhere to all applicable items specified in the standard “Conditions” and “Assurances” of the Department’s funding offer, awarded in the form of loan and principal forgiveness; and

That Jon Mendenhall, City Manager, and successors so titled, is hereby authorized and directed to furnish such information, as the appropriate State agency may request, in connection with such application or the Project; to make the Assurances as contained above; and to execute such other documents as may be required in connection with the application; and

That the City of Eden has complied substantially or will comply substantially with all Federal, State and local laws, rules, regulations, and ordinances applicable to the Project, and to Federal and State grants and loans pertaining thereto.

Adopted this the 16th day of July 2024 at Eden, North Carolina.

By: Neville Hall, Mayor

Attest: Deanna Hunt, City Clerk

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

ANNOUNCEMENTS:

Mayor Hall noted there were a public input meeting to be held Thursday from 5 to 7 at City Hall about the roundabout. July 20 was Shaggin' on Fieldcrest from 2 to 10 p.m. The Eden Chamber of Commerce was having a Freedom Park Splash Pad night on July 25 from 6:30 to 8:30 p.m. Music and Cruz In was at Freedom Park on July 27. Touch-A-Truck was August 17.

Marketing & Special Events Manager Cindy Adams said the movie night was being combined with Uptown Cruisers for August 2

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 Wednesday, July 24, 2024 at 4 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 (absent)
- Kenny Kirkman
- Greg Light
- Bruce Nooe
- Tommy Underwood
- Jason Wood
- City Manager: Jon Mendenhall
- City Attorney: Erin Gilley
- City Clerk: Deanna Hunt
- Media: Roy Sawyers, Rockingham Update

MEETING CONVENED:

Mayor Hall called the special called meeting to order.

CONSIDERATION OF THE CITY-COUNTY UTILITY AGREEMENT:

Mr. Mendenhall said a copy of the amended resolution presented at the July 16 regular meeting had been placed at the dais for each member. The resolution changed the consideration of the purchase of the County system. Staff and members of Council had very beneficial and constructive dialog with County officials. That could be seen in the resolution and he read it so everyone would know what changed: Whereas, the City of Eden and Rockingham County desire for the City of Eden to purchase Fishing Creek Pump Station, including accompanying lines from Mebane Bridge Wastewater Treatment Plant to Fishing Creek Pump Station, from Rockingham County for an agreed upon price up to a certain ascertained dollar amount. He explained that required a couple of changes in the agreement to make sure there was not a hodgepodge of customers on varying systems. The language in Article VII had been amended to make it clear that the customers on the line and the maintenance were the responsibility of the line owner. If there were any large extension, the City would decide at that time if any transfer of assets would have to occur. So if there was a large development on Bethlehem Church Road and if something had to be done differently, the City would have the first right of refusal to decide what needed to be done. Those were really all the changes that occurred.

A motion was made by Council Member Ellis to adopt the resolution to adopt and approve the City-County Public Utilities Agreement. Council Member Light seconded the motion. Council Members Ellis, Light and Wood voted in favor of the resolution. Council Members Kirkman, Nooe and Underwood voted against the motion. As there was a tie, Mayor Hall voted in favor of the motion. The motion passed 4 to 3 with Council Members Ellis, Light and Wood along with Mayor Hall voting in favor and Council Members Kirkman, Nooe and Underwood voting in opposition.

RESOLUTION TO ADOPT AND APPROVE THE CITY COUNTY PUBLIC UTILITIES AGREEMENT

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

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

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

WHEREAS, the City of Eden and Rockingham County desire for the City of Eden to purchase Fishing Creek Pump Station, including accompanying lines from Mebane Bridge Wastewater Treatment Plant to Fishing Creek Pump Station, from Rockingham County for an agreed upon price up to \$796,000.

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

BE IT FRUTHER RESOLVED, by the City Council for the City of Eden that City Staff is hereby authorized to finalize the acquisition of Fishing Creek Pump Station and accompanying lines from Rockingham County for agreed upon price and all terms and action necessary thereto.

APPROVED, ADOPTED AND EFFECTIVE this 24th day of July, 2024.

CITY OF EDEN

By: Neville Hall, Mayor

Attest: Deanna Hunt, City Clerk

ADJOURMENT:

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



To: Honorable Mayor and City Council

Thru: Jon Mendenhall, City Manager

From: Amy P. Winn, CPA
Assistant Director of Finance

Date: August 20, 2024

Re: Budget Amendment # 4

The attached budget amendment appropriates ARPA funds to the Water & Sewer fund for the purchase of a service truck for Water Resources. These funds were appropriated in FY 23-24; however, the truck was not delivered until July 2024.



MEMORANDUM

To: Honorable Mayor and City Council
Thru: Jon Mendenhall, City Manager
From: Amy P. Winn
Assistant Director of Finance
Date: August 20, 2024
Subject: Budget Amendment # 4

	Account #	From	To	Amount
Water & Sewer Fund Revenues				
Transfer from ARPA	30-3984-90000	\$ 1,084,500.00	\$ 1,235,500.00	<u>\$ 151,000.00</u>
Water & Sewer Fund Expenditures				
Water Resources C/O Vehicles	30-7110-55000	\$ -	\$ 151,000.00	<u>\$ 151,000.00</u>

Appropriate ARPA funds to Water & Sewer Fund for the purchase of Water Resources service truck.

Adopted and effective this 20th day of August, 2024.

Attest:

Deanna Hunt, City Clerk

Neville Hall, Mayor

CITY OF EDEN – MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL

THRU: JON MENDENHALL, CITY MANAGER

FROM: ERIN GILLEY, CITY ATTORNEY

DATE: AUGUST 8, 2024

SUBJECT: AMENDMENT TO CHAPTER 10-12 OF THE CITY CODE

City staff has prepared an amendment to the Safety and Loss Control Section of Chapter 10. These changes will assist in streamlining the Safety Committee as well as providing an accountable way to transition in new members. It reduces the number of employees on the monthly committee but provides sufficient representation from all Departments. There was also a need to account for the Departmental Changes that have occurred in the last 10 years and make the ordinance cohesive with the current organizational structure.

Staff recommends that you approve this Amendment. Please contact me with any questions you may have.

ARTICLE XII: SAFETY AND LOSS CONTROL

Section

Division 1: Responsibilities

- 10-12.1 Mayor and City Council
- 10-12.2 City Manager
- 10-12.3 Safety Coordinator
- 10-12.4 Safety and Loss Control Committee
- 10-12.5 Membership and vacancies
- 10-12.6 Absence and attendance
- 10-12.7 Rules of conduct for members
- 10-12.8 Organization rules, meetings, and records
- 10-12.9 Subcommittees
- 10-12.10 Powers and duties of Safety and Loss Control Committee
- 10-12.11 Department heads
- 10-12.12 Supervisors
- 10-12.13 Employees

Division 2: Operations

- 10-12.14 Monthly safety training program – new employee orientation
- 10-12.15 Incident investigation
- 10-12.16 Self inspections
- 10-12.17 Safety rules and procedures

Statutory reference:

See G.S. § 160A-174

DIVISION 1: RESPONSIBILITIES

§ 10-12.1 MAYOR AND CITY COUNCIL.

The Mayor and City Council support a citywide safety program through personnel policies and budgetary considerations.

(Ord. passed 2 18 03)

§ 10-12.2 CITY MANAGER.

(A) The City Manager or designee through the Safety and Loss Control Committee, is responsible for overall management and administration of the comprehensive safety program.

(B) The City Manager shall appoint the Safety Coordinator and the Deputy Safety Coordinator. ~~Both supervisory employees and non-supervisory employees are eligible for appointment.~~

(Ord. passed 2-18-03; Am. Ord. passed 8-29-09)

§ 10-12.3 SAFETY COORDINATOR.

The Safety Coordinator is directly responsible for the implementation and operation of the safety and loss control program which will include training, accident and insurance follow up, and vehicle and building safety. The Safety Coordinator coordinates and evaluates departmental programs to ensure that the overall objectives of the city's general safety program are achieved. The Safety Coordinator will represent the City Manager in all safety matters and can stop a work operation temporarily when serious injury or property damage is possible. The Safety Coordinator will serve on the Safety and Loss Control Committee and shall provide staff reports on all incidents pertinent to the work of the committee. The Safety Coordinator shall be responsible for making direct contact with each department head on a regular basis in an effort to keep them informed on the activities of the committee as it relates to their department. The Deputy Safety Coordinator shall assist the Safety Coordinator, serve on the Safety and Loss Control committee and shall provide staff support to the committee as requested by the Safety Coordinator. The Deputy Safety Coordinator can stop a work operation temporarily when serious injury or property damage is possible. The Deputy Safety Coordinator shall assume all the responsibilities of the Safety Coordinator in the absence of the Safety Coordinator.

(Ord. passed 2-18-03)

§ 10-12.4 SAFETY AND LOSS CONTROL COMMITTEE.

There is hereby established a committee to function as an advisory body to develop and recommend to the City Manager matters of policy and procedure affecting administration of the city safety and loss control program. This committee shall be known as the Safety and Loss Control Committee of the City of Eden, hereinafter referred to as "the committee."

This committee shall provide the necessary leadership in implementing the overall safety program. It shall be the responsibility of this committee to review all recommendations concerning the safety program. The members shall report to the committee during regular meetings regarding their department/division safety activities and shall discuss with the committee any new safety concerns. The members shall report to their department head after each meeting of the committee in an effort to keep them informed about the committee's activities.

(Ord. passed 2-18-03)

§ 10-12.5 MEMBERSHIP AND VACANCIES.

(A) The Committee shall ~~consist of 18 members, all~~ **be** appointed by the City Manager and shall be composed of the Safety Coordinator, the Deputy Safety Coordinator, and **a representative from every department**. ~~16 additional employees of the city. Each of the following 14 departments/divisions shall have one employee on the committee: Fire, Parks/Recreation, Facility Maintenance and Grounds, Solid Waste, Streets, Fleet Maintenance, Engineering, Finance/Billing & Collections/Human Resources/Administration, Water Treatment Plant, Wastewater Treatment Plant, Collection and Distribution, Information Technology, Marketing, and Planning and Community Development. The Police Department shall have two employees on the committee.~~

~~—(B) The members shall be appointed for a period of two years, with the exception of the initial 16 members. The member terms will rotate so that only half of the members are new each year. Vacancies occurring for reasons other than expiration of term shall be filled as they occur for the period of the unexpired term. If an employee member is no longer employed by the city or the Safety Coordinator or the Deputy Safety Coordinator ceases to serve in their capacity, this action shall constitute a resignation from the committee effective upon the date a replacement is appointed. No employee shall be allowed to serve more than two consecutive terms with the exception of the Safety Coordinator or the Deputy Safety Coordinator. Any exceptions will have to be approved by the City Manager. The employee representatives, the Deputy Safety Coordinator and Safety Coordinator serve at the pleasure of the City Manager.~~

~~—(C) The Committee shall consist of both supervisory and non-supervisory employees. The goal is to have a well rounded committee that includes both supervisory as well as non-supervisory employees working hand in hand towards a common goal and purpose.~~

(Ord. passed 2-18-03; Am. Ord. passed 8-29-09; Am. Ord. passed 6-21-11; Am. Ord. passed 6-17-14; Am. Ord. passed 5-18-21)

§ 10-12.6 ABSENCE AND ATTENDANCE.

Regular attendance at all committee and subcommittee meetings is expected. It shall be the duty of all Safety and Loss Control Committee members to inform the Safety Coordinator of any anticipated absence and **to assign their designated alternate to attend.** ~~notification shall be immediately after receipt of the agenda. The Department Head or Division Supervisor will be responsible for sending another employee in the absent member's place. An employee member who misses three consecutive regular meetings or 30% or more of the regular meetings in a calendar year loses his or her status as a member of the committee and will be subjected to disciplinary action. Absences due to sickness, death or other emergencies of like nature shall be regarded as excused absences and shall not affect the member's status on the committee. In the event of a long illness or other such case for prolonged absence the member may be replaced.~~

(Ord. passed 2-18-03; Am. Ord. passed 6-21-11)

§ 10-12.7 RULES OF CONDUCT FOR MEMBERS.

Members of the Safety and Loss Control Committee ("Committee") may be removed for cause by the City Manager, including violation of the rules stated below.

(A) Faithful attendance at all Committee meetings and conscientious performance of the duties required of Committee members shall be considered a prerequisite of continuing membership on the Committee.

(B) Each member of the Committee shall be familiar with all statutes, laws, ordinances and rules of procedure relating to the Committee as time and circumstances permit.

(C) It shall be the duty of every committee member to avoid even the appearance of a conflict of interest. Therefore, no member shall vote on, discuss, debate, advocate, influence, or otherwise participate before the committee in any matter that would substantially affect, directly or indirectly, his or her personal interests or the financial interests of a member of his or her household. This prohibition includes formal or informal consideration of the matter by the committee, whether conducted in public or private. This provision does not prohibit participation in advisory decisions in which the personal interest is so insignificant or remote that it is unlikely to affect the member's official action in any way. In applying this rule the following procedure shall govern:

(1) A member who has a conflict of interest shall disqualify himself or herself and withdraw from participation in the matter. The member shall not sit with the Committee during the consideration and discussion of that matter;

(2) Withdrawal from participation in any matter is necessary only in those specific cases in which a conflict arises. There shall be no attempt to exclude entire categories of consideration because of the department/division with which a member is associated;

(3) Any committee member may seek an opinion from the Staff/City Attorney as to the applicability of this section to a particular decision or set of facts. The response to such a

request shall be made to the member making the request, and a copy shall be provided to the chairman of the committee and the City Manager; and

(4) If an opinion is received from the Staff/City Attorney that a member has an impermissible conflict of interest pursuant to a particular decision or set of facts and the member does not disqualify himself or herself, the Committee may by majority vote (not considering the vote of the member with the alleged conflict) disqualify that member from all participation in the matter involved.

(D) Members of the Committee shall not commit themselves on any question scheduled to be considered by the committee prior to the consideration of the matter at a duly authorized meeting. Members shall use discretion in discussing with individuals scheduled agenda items which are later to be voted on by the Committee.

(Ord. passed 2-18-03; Am. Ord. passed 8-29-09; Am. Ord. passed 6-21-11)

§ 10-12.8 ORGANIZATION RULES, MEETINGS, AND RECORDS.

~~As soon as possible after their appointment and at the time and place designated by the Safety Coordinator, the members of the Committee first appointed shall meet and organize.~~

~~(A) The Safety Coordinator shall be the chairman and the Deputy Safety Coordinator shall serve as the vice chairman. From among the members, the committee shall adopt rules and procedures in accordance with the City Charter, City Code, state and federal law and subject to City Council approval.~~

~~(B) The Deputy Safety Coordinator shall be responsible for recording and maintaining copies of minutes for all meetings showing the vote of each member on all matters. The Safety Coordinator shall be responsible for conducting all correspondence of the committee, supervising all clerical work of the committee, and maintaining files, reports, recommendations and actions of the committee.~~

~~(C)~~ (A) The committee shall adopt rules for transaction of its business which are in keeping with the provisions of this article. The committee shall establish a regular meeting schedule and shall meet frequently enough (minimum of at least monthly) so that it can handle the duties prescribed by this article.

(Ord. passed 2-18-03; Am. Ord. passed 8-29-09; Am. Ord. passed 6-21-11)

§ 10-12.9 SUBCOMMITTEES.

(A) The Safety and Loss Control Committee may from time to time establish subcommittees to assist it in studying specific questions and problems.

(B) From the membership of the Committee the chairman shall appoint three standing subcommittees. These subcommittees shall have three members each and shall handle the

day to day activities of the Safety and Loss Control Committee. Those subcommittees shall be as follows:

(1) Incident Prevention Subcommittee to review, plan and recommend policies and procedures to develop and carry out an effective safety and incident prevention program. Efforts should concentrate on the basic causes of an incident and what could be done to prevent a recurrence of the incident;

(2) Training Subcommittee to address the training needs for all departments and to make the arrangements necessary to meet those needs on a continuous basis. A training program shall be developed to teach job fundamentals, from both a safety and job requirement standpoint, which will be made an integral part of the training of new employees as well as the retraining of existing employees;

(3) Inspection and Compliance Subcommittee to make monthly self inspections of selected job sites and facilities as well as inspections of different departments/divisions so as to check for compliance with OSHA safety guidelines; and

(4) Program Manual Review Subcommittee to make monthly reviews of selected sections of the City of Eden Safety and Loss Control Manual so as to check for compliance with OSHA guidelines.

(C) All subcommittees shall adopt a regular meeting schedule and shall meet often enough to carry out their assigned duties. Any documentation of subcommittee meetings shall be submitted to the Safety Coordinator as they occur.

(Ord. passed 2-18-03; Am. Ord. passed 6-21-11; Am. Ord. passed 6-17-2014)

§ 10-12.10 POWERS AND DUTIES OF SAFETY AND LOSS CONTROL COMMITTEE.

(A) Planning and recommending policies and procedures to develop a comprehensive safety and accident prevention program.

(B) Reviewing loss histories, accidents and other reports of safety matters, planning programs and evaluating effectiveness.

(C) Reporting to the City Manager on a regular basis regarding the safety and loss control program.

(D) Establishing procedures for handling suggestions and recommendations.

(E) Promoting training, self-inspections, accident investigation and proper work procedures within each department and division.

(F) Reviewing possible and reported safety code or standard operating procedure violations including those that result in accidents and those that do not.

(Ord. passed 2-18-03; Am. Ord. passed 6-21-11)

§ 10-12.11 DEPARTMENT HEADS.

Each department head shall be directly responsible for the safety record in their department and is designated as responsible to the City Manager for employee safety. The department head has supervisory responsibility for all safety functions and activities within his or her area. ~~For purposes of this article the City Clerk, the Finance and Personnel Director, the Director of Planning and Inspections, the Director of Environmental Services, the Police Chief, the Fire Chief, the Parks, Recreation Director, Facility Maintenance and Grounds Director, and the Director of Engineering shall be known as department heads.~~ Each department head will be required, as a condition of employment, to report any and all safety violations to the Safety Coordinator and the City Manager. Each department head will:

(A) Hold each superintendent, supervisor, deputy chief, captain, lieutenant, sergeant, and any other person in a position with a supervisory capacity, accountable for injuries incurred by his or her employees. To provide leadership by setting a proper example for all employees, be responsible for successfully operating the department safety program and completing the department's safety objectives;

(B) Develop policies and standard operating guidelines and ensure they are complied with by all personnel under his or her direction. A copy of the required SOGs shall be given to the City Manager within 30 days of the effective date of this program and shall be updated according to changes in departments/divisions;

(C) Ensure that all employees (part-time and full-time), new and old, are trained or retrained in the accepted safety methods. Continued on the job training so that safe and proper procedures will be followed is critical;

(D) Responsible for the provision and use of mechanical guards and personal protective equipment by the employees under their jurisdiction. This shall include regular instruction on the proper use of all equipment;

(E) Hold employee safety meetings when applicable to review accidents, analyze their causes, and promote free discussion of hazardous work problems and possible solutions;

(F) Encourage safety suggestions and written comments from all employees and adopt those that are feasible;

(G) Require incidents to be promptly reported to the Safety Coordinator and direct supervisor, thoroughly investigated by supervisory personnel and properly recorded. In addition, ensure that proper disciplinary action is taken if warranted and documented with Human Resources;

(H) Ensure that prompt, corrective action is taken whenever unsafe conditions are recognized and unsafe acts are observed;

(I) Ensure that all employees are physically and mentally capable of performing their tasks;

(J) Be responsible for the processing of worker's compensation claim forms involving departmental employees and submitting those forms to Human Resources for handling; and

(K) Serve on a safety committee or inspection team when appointed or elected.

(Ord. passed 2-18-03; Am. Ord. passed 8-29-09; Am. Ord. passed 6-21-11)

§ 10-12.12 SUPERVISORS.

Supervisors shall include all superintendents, supervisors, deputy chiefs, captains, lieutenants, sergeants, and any other positions serving in a supervisory capacity. These persons will hereinafter be referred to as supervisors. Supervisors will assume the responsibility of thoroughly instructing their personnel in safe practices to observe in their work situations. Supervisors will be responsible for daily enforcement of all safety policies and procedures to the utmost of their ability and authority. Supervisors will be required, as a condition of employment, to report any and all safety violations to the Safety Coordinator and their direct supervisor. Supervisors will act positively to eliminate any potential hazards within any activities under their jurisdiction and they will set the example of good safety practice in all spheres of their endeavors.

Safety records shall be measured along with other phases of supervisor performance. Therefore, it is absolutely essential that such records be complete and accurate and that all accidents be fully reported. Principal duties of supervisors are as follows:

- (A) Enforce all safety rules and procedures;
- (B) Make certain all injuries are reported promptly and treated properly and all accidents are reported, even if injury is not apparent;
- (C) Conduct thorough investigations of all accidents and take necessary steps to prevent recurrence through employee safety education, operating procedures or modification of equipment;
- (D) Provide employees with complete safety instructions regarding their duties prior to the employees actually starting to work;
- (E) Conduct regular safety checks, including careful examinations of all new and relocated equipment before it is placed in operation;
- (F) Properly maintain equipment and issue instructions for the elimination of fire and safety hazards;
- (G) Continuously inspect for unsafe practices and conditions and properly undertake any necessary corrective action;
- (H) Develop and administer an effective program of good housekeeping and maintain high standards of personnel and operational cleanliness throughout all operations;

- (I) Provide safety equipment and protective devices for each job based on knowledge of applicable standards or on recommendations of the safety coordinator;
 - (J) Conduct safety briefings and encourage the use of employee safety suggestions;
 - (K) Give full support to all safety procedures, activities and programs;
 - (L) Wear the prescribed uniform and safety shoes as required; and
 - (M) Serve on a safety committee or inspection team when appointed or elected.
- (Ord. passed 2-18-03; Am. Ord. passed 8-29-09; Am. Ord. passed 6-21-11)

§ 10-12.13 EMPLOYEES.

Employees will be required, as a condition of employment, to exercise care in the course of their work to prevent injuries to themselves and to their fellow workers. Employees will be required, as a condition of employment, to report any and all safety violations to the Safety Coordinator and their direct supervisor. Employees are required to:

- (A) Use the safety equipment which has been provided for use in performing daily work assignments;
- (B) Wear the prescribed uniform and safety shoes, as required;
- (C) Not operate equipment for which training or orientation has not been received;
- (D) Warn co workers of unsafe conditions or practices they are engaged in which could lead to or cause an accident;
- (E) Report defective equipment immediately to a supervisor;
- (F) Report dangerous or unsafe conditions that exist in the work place as well as throughout the municipality. This would include defective sidewalks, broken curbs, handling tree limbs, loose handrails, open manholes, sunken basins and sewers, missing or damaged traffic signs or signals and the like;
- (G) Report all injuries and accidents regardless of the severity as soon as practical;
- (H) Protect unsafe conditions that result from municipal work that could present a hazard to the public;
- (I) Take care not to abuse tools and equipment, so that these items will be in useable condition for as long as possible, as well as to ensure that they are in the best possible condition while being used;
- (J) Participate in all required safety and occupational health training and be certain that they understand instructions completely before starting work; and
- (K) Serve on a safety committee or inspection team when appointed or elected.

(Ord. passed 2-18-03)

DIVISION 2: OPERATIONS

§ 10-12.14 MONTHLY SAFETY TRAINING PROGRAM – NEW EMPLOYEE ORIENTATION.

(A) All section supervisors will conduct a monthly safety meeting with their employees. Date, those in attendance and the topic of the discussion will be documented. Documentation of safety meetings shall be submitted to the Safety Coordinator on a monthly basis.

(B) All newly assigned and/or hired employees will receive a safety orientation on the safety policies and procedures for their department/division and vehicles/equipment before going to work at their designated duty section. This orientation shall be the direct responsibility of the department head and shall be conducted by the department head and/or the employee's direct supervisor. The safety orientation will be documented and signed by both the department head/supervisor conducting the orientation and employee and a copy shall be placed in the employee's personnel file as a permanent record.

(C) Since the need for safety training varies according to the degree of exposures to hazardous conditions, it is impractical to establish mandatory minimum amounts of training to provide each month. Documentation of training sessions shall be submitted to the Safety Coordinator on a monthly basis. The Safety Coordinator will act as liaison in procuring instructors and visual aids on request.

(Ord. passed 2-18-03; Am. Ord. passed 8-29-09; Am. Ord. passed 6-21-11)

§ 10-12.15 INCIDENT INVESTIGATION.

(A) Incident investigation will be performed by the immediate supervisor of the employee involved. If two or more employees were separately involved in the incident, the supervisor of each will perform independent investigations. Any incident involving death, permanent disability, temporary disability, hospitalization, medical treatment, loss of time from work by a city employee, damage to or destruction of any property or injury to a visitor will be investigated by the immediate supervisor and the Safety Coordinator. Outside parties can be called in to lead investigations of a serious injury or death.

(B) The purpose of incident investigation is to prevent the reoccurrence of incidents by identifying contributing causes, determining corrective measures necessary to eliminate causes, and disseminating information on incident prevention to the Incident Prevention Subcommittee. The Incident Prevention Subcommittee will then review the information assembled and prepare updates, memorandums and newsletters to all employees on incident prevention.

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(Ord. passed 2-18-03)

§ 10-12.16 SELF INSPECTIONS.

The purpose of self inspections is to identify hazardous work conditions and materials or methods that may result in an accident so that these hazards can be corrected. Each facility will be inspected not less than once every three months. An inspector needs to be designated for each facility along with an inspection schedule and inspection checklists. Upon completion of the inspection of the checklists, recommendations will be furnished to the department head or Safety Coordinator. The inspector's supervisor will take whatever corrective action is deemed appropriate, and maintain a record of completion of such corrective action.

(Ord. passed 2-18-03; Am. Ord. passed 6-21-11; Am. Ord. passed 2-18-14)

§ 10-12.17 SAFETY RULES AND PROCEDURES.

Safety rules and procedures shall be developed and monitored by each department. The department heads, supervisors, and employees should all contribute to this task for their respective area. All such rules and procedures shall be in written form, a copy of which shall be given to the City Manager and to the members of the committee. The discipline for failure to comply with the safety rules and procedures shall be covered under the Progressive Disciplinary Program.

(Ord. passed 2-18-03; Am. Ord. passed 8-29-09; Am. Ord. passed 2-18-14; Am. Ord. passed 5-18-21)

AN ORDINANCE AMENDING
THE CITY CODE
OF THE CITY OF EDEN

BE IT ORDAINED BY THE CITY COUNCIL of the City of Eden, North Carolina, that Article V of Chapter 10 of the Eden City Code is amended as follows:

ARTICLE XII: SAFETY AND LOSS CONTROL

Section

Division 1: Responsibilities

- 10-12.1 Mayor and City Council
- 10-12.2 City Manager
- 10-12.3 Safety Coordinator
- 10-12.4 Safety and Loss Control Committee
- 10-12.5 Membership and vacancies
- 10-12.6 Absence and attendance
- 10-12.7 Rules of conduct for members
- 10-12.8 Organization rules, meetings, and records
- 10-12.9 Subcommittees
- 10-12.10 Powers and duties of Safety and Loss Control Committee
- 10-12.11 Department heads
- 10-12.12 Supervisors
- 10-12.13 Employees

Division 2: Operations

- 10-12.14 Monthly safety training program – new employee orientation
- 10-12.15 Incident investigation
- 10-12.16 Self inspections

10-12.17 Safety rules and procedures

Statutory reference:

See G.S. § 160A-174

DIVISION 1: RESPONSIBILITIES

§ 10-12.1 MAYOR AND CITY COUNCIL.

The Mayor and City Council support a citywide safety program through personnel policies and budgetary considerations.

(Ord. passed 2 18 03)

§ 10-12.2 CITY MANAGER.

(A) The City Manager or designee through the Safety and Loss Control Committee, is responsible for overall management and administration of the comprehensive safety program.

(B) The City Manager shall appoint the Safety Coordinator and the Deputy Safety Coordinator. ~~Both supervisory employees and non-supervisory employees are eligible for appointment.~~

(Ord. passed 2-18-03; Am. Ord. passed 8-29-09)

§ 10-12.3 SAFETY COORDINATOR.

The Safety Coordinator is directly responsible for the implementation and operation of the safety and loss control program which will include training, accident and insurance follow up, and vehicle and building safety. The Safety Coordinator coordinates and evaluates departmental programs to ensure that the overall objectives of the city's general safety program are achieved. The Safety Coordinator will represent the City Manager in all safety matters and can stop a work operation temporarily when serious injury or property damage is possible. The Safety Coordinator will serve on the Safety and Loss Control Committee and shall provide staff reports on all incidents pertinent to the work of the committee. The Safety Coordinator shall be responsible for making direct contact with each department head on a regular basis in an effort to keep them informed on the activities of the committee as it relates to their department. The Deputy Safety Coordinator shall assist the Safety Coordinator, serve on the Safety and Loss Control committee and shall provide staff support to the committee as requested by the Safety Coordinator. The Deputy Safety Coordinator can stop a work operation temporarily when serious injury or property

damage is possible. The Deputy Safety Coordinator shall assume all the responsibilities of the Safety Coordinator in the absence of the Safety Coordinator.

(Ord. passed 2-18-03)

§ 10-12.4 SAFETY AND LOSS CONTROL COMMITTEE.

There is hereby established a committee to function as an advisory body to develop and recommend to the City Manager matters of policy and procedure affecting administration of the city safety and loss control program. This committee shall be known as the Safety and Loss Control Committee of the City of Eden, hereinafter referred to as "the committee." This committee shall provide the necessary leadership in implementing the overall safety program. It shall be the responsibility of this committee to review all recommendations concerning the safety program. The members shall report to the committee during regular meetings regarding their department/division safety activities and shall discuss with the committee any new safety concerns. The members shall report to their department head after each meeting of the committee in an effort to keep them informed about the committee's activities.

(Ord. passed 2-18-03)

§ 10-12.5 MEMBERSHIP AND VACANCIES.

(A) The Committee shall ~~consist of 18 members, all~~ be appointed by the City Manager and shall be composed of the Safety Coordinator, the Deputy Safety Coordinator, and a ~~representative from every department.~~ 16 additional employees of the city. Each of the following 14 departments/divisions shall have one employee on the committee: Fire, Parks/Recreation, Facility Maintenance and Grounds, Solid Waste, Streets, Fleet Maintenance, Engineering, Finance/Billing & Collections/Human Resources/Administration, Water Treatment Plant, Wastewater Treatment Plant, Collection and Distribution, Information Technology, Marketing, and Planning and Community Development. The Police Department shall have two employees on the committee.

~~—(B) The members shall be appointed for a period of two years, with the exception of the initial 16 members. The member terms will rotate so that only half of the members are new each year. Vacancies occurring for reasons other than expiration of term shall be filled as they occur for the period of the unexpired term. If an employee member is no longer employed by the city or the Safety Coordinator or the Deputy Safety Coordinator ceases to serve in their capacity, this action shall constitute a resignation from the committee effective upon the date a replacement is appointed. No employee shall be allowed to serve more than two consecutive terms with the exception of the Safety Coordinator or the Deputy Safety Coordinator. Any exceptions will have to be approved by the City Manager. The employee representatives, the Deputy Safety Coordinator and Safety Coordinator serve at the pleasure of the City Manager.~~

~~—(C) The Committee shall consist of both supervisory and non-supervisory employees. The goal is to have a well rounded committee that includes both supervisory as well as non-supervisory employees working hand in hand towards a common goal and purpose.~~

(Ord. passed 2-18-03; Am. Ord. passed 8-29-09; Am. Ord. passed 6-21-11; Am. Ord. passed 6-17-14; Am. Ord. passed 5-18-21)

§ 10-12.6 ABSENCE AND ATTENDANCE.

Regular attendance at all committee and subcommittee meetings is expected. It shall be the duty of all Safety and Loss Control Committee members to inform the Safety Coordinator of any anticipated absence and **to assign their designated alternate to attend.** ~~notification shall be immediately after receipt of the agenda. The Department Head or Division Supervisor will be responsible for sending another employee in the absent member's place. An employee member who misses three consecutive regular meetings or 30% or more of the regular meetings in a calendar year loses his or her status as a member of the committee and will be subjected to disciplinary action. Absences due to sickness, death or other emergencies of like nature shall be regarded as excused absences and shall not affect the member's status on the committee. In the event of a long illness or other such case for prolonged absence the member may be replaced.~~

(Ord. passed 2-18-03; Am. Ord. passed 6-21-11)

§ 10-12.7 RULES OF CONDUCT FOR MEMBERS.

Members of the Safety and Loss Control Committee ("Committee") may be removed for cause by the City Manager, including violation of the rules stated below.

(A) Faithful attendance at all Committee meetings and conscientious performance of the duties required of Committee members shall be considered a prerequisite of continuing membership on the Committee.

(B) Each member of the Committee shall be familiar with all statutes, laws, ordinances and rules of procedure relating to the Committee as time and circumstances permit.

(C) It shall be the duty of every committee member to avoid even the appearance of a conflict of interest. Therefore, no member shall vote on, discuss, debate, advocate, influence, or otherwise participate before the committee in any matter that would substantially affect, directly or indirectly, his or her personal interests or the financial interests of a member of his or her household. This prohibition includes formal or informal consideration of the matter by the committee, whether conducted in public or private. This provision does not prohibit participation in advisory decisions in which the personal interest is so insignificant or remote that it is unlikely to affect the member's official action in any way. In applying this rule the following procedure shall govern:

(1) A member who has a conflict of interest shall disqualify himself or herself and withdraw from participation in the matter. The member shall not sit with the Committee during the consideration and discussion of that matter;

(2) Withdrawal from participation in any matter is necessary only in those specific cases in which a conflict arises. There shall be no attempt to exclude entire categories of consideration because of the department/division with which a member is associated;

(3) Any committee member may seek an opinion from the Staff/City Attorney as to the applicability of this section to a particular decision or set of facts. The response to such a request shall be made to the member making the request, and a copy shall be provided to the chairman of the committee and the City Manager; and

(4) If an opinion is received from the Staff/City Attorney that a member has an impermissible conflict of interest pursuant to a particular decision or set of facts and the member does not disqualify himself or herself, the Committee may by majority vote (not considering the vote of the member with the alleged conflict) disqualify that member from all participation in the matter involved.

(D) Members of the Committee shall not commit themselves on any question scheduled to be considered by the committee prior to the consideration of the matter at a duly authorized meeting. Members shall use discretion in discussing with individuals scheduled agenda items which are later to be voted on by the Committee.

(Ord. passed 2-18-03; Am. Ord. passed 8-29-09; Am. Ord. passed 6-21-11)

§ 10-12.8 ORGANIZATION RULES, MEETINGS, AND RECORDS.

~~—As soon as possible after their appointment and at the time and place designated by the Safety Coordinator, the members of the Committee first appointed shall meet and organize.~~

~~—(A) The Safety Coordinator shall be the chairman and the Deputy Safety Coordinator shall serve as the vice-chairman. From among the members, the committee shall adopt rules and procedures in accordance with the City Charter, City Code, state and federal law and subject to City Council approval.~~

~~—(B) The Deputy Safety Coordinator shall be responsible for recording and maintaining copies of minutes for all meetings showing the vote of each member on all matters. The Safety Coordinator shall be responsible for conducting all correspondence of the committee, supervising all clerical work of the committee, and maintaining files, reports, recommendations and actions of the committee.~~

~~—(C)~~ (A) The committee shall adopt rules for transaction of its business which are in keeping with the provisions of this article. The committee shall establish a regular meeting schedule and shall meet frequently enough (minimum of at least monthly) so that it can handle the duties prescribed by this article.

(Ord. passed 2-18-03; Am. Ord. passed 8-29-09; Am. Ord. passed 6-21-11)

§ 10-12.9 SUBCOMMITTEES.

(A) The Safety and Loss Control Committee may from time to time establish subcommittees to assist it in studying specific questions and problems.

(B) From the membership of the Committee the chairman shall appoint three standing subcommittees. These subcommittees shall have three members each and shall handle the day to day activities of the Safety and Loss Control Committee. Those subcommittees shall be as follows:

(1) Incident Prevention Subcommittee to review, plan and recommend policies and procedures to develop and carry out an effective safety and incident prevention program. Efforts should concentrate on the basic causes of an incident and what could be done to prevent a recurrence of the incident;

(2) Training Subcommittee to address the training needs for all departments and to make the arrangements necessary to meet those needs on a continuous basis. A training program shall be developed to teach job fundamentals, from both a safety and job requirement standpoint, which will be made an integral part of the training of new employees as well as the retraining of existing employees;

(3) Inspection and Compliance Subcommittee to make monthly self inspections of selected job sites and facilities as well as inspections of different departments/divisions so as to check for compliance with OSHA safety guidelines; and

(4) Program Manual Review Subcommittee to make monthly reviews of selected sections of the City of Eden Safety and Loss Control Manual so as to check for compliance with OSHA guidelines.

(C) All subcommittees shall adopt a regular meeting schedule and shall meet often enough to carry out their assigned duties. Any documentation of subcommittee meetings shall be submitted to the Safety Coordinator as they occur.

(Ord. passed 2-18-03; Am. Ord. passed 6-21-11; Am. Ord. passed 6-17-2014)

§ 10-12.10 POWERS AND DUTIES OF SAFETY AND LOSS CONTROL COMMITTEE.

(A) Planning and recommending policies and procedures to develop a comprehensive safety and accident prevention program.

(B) Reviewing loss histories, accidents and other reports of safety matters, planning programs and evaluating effectiveness.

(C) Reporting to the City Manager on a regular basis regarding the safety and loss control program.

(D) Establishing procedures for handling suggestions and recommendations.

(E) Promoting training, self-inspections, accident investigation and proper work procedures within each department and division.

(F) Reviewing possible and reported safety code or standard operating procedure violations including those that result in accidents and those that do not.

(Ord. passed 2-18-03; Am. Ord. passed 6-21-11)

§ 10-12.11 DEPARTMENT HEADS.

Each department head shall be directly responsible for the safety record in their department and is designated as responsible to the City Manager for employee safety. The department head has supervisory responsibility for all safety functions and activities within his or her area. ~~For purposes of this article the City Clerk, the Finance and Personnel Director, the Director of Planning and Inspections, the Director of Environmental Services, the Police Chief, the Fire Chief, the Parks, Recreation Director, Facility Maintenance and Grounds Director, and the Director of Engineering shall be known as department heads.~~ Each department head will be required, as a condition of employment, to report any and all safety violations to the Safety Coordinator and the City Manager. Each department head will:

(A) Hold each superintendent, supervisor, deputy chief, captain, lieutenant, sergeant, and any other person in a position with a supervisory capacity, accountable for injuries incurred by his or her employees. To provide leadership by setting a proper example for all employees, be responsible for successfully operating the department safety program and completing the department's safety objectives;

(B) Develop policies and standard operating guidelines and ensure they are complied with by all personnel under his or her direction. A copy of the required SOGs shall be given to the City Manager within 30 days of the effective date of this program and shall be updated according to changes in departments/divisions;

(C) Ensure that all employees (part-time and full-time), new and old, are trained or retrained in the accepted safety methods. Continued on the job training so that safe and proper procedures will be followed is critical;

(D) Responsible for the provision and use of mechanical guards and personal protective equipment by the employees under their jurisdiction. This shall include regular instruction on the proper use of all equipment;

(E) Hold employee safety meetings when applicable to review accidents, analyze their causes, and promote free discussion of hazardous work problems and possible solutions;

(F) Encourage safety suggestions and written comments from all employees and adopt those that are feasible;

(G) Require incidents to be promptly reported to the Safety Coordinator and direct supervisor, thoroughly investigated by supervisory personnel and properly recorded. In

addition, ensure that proper disciplinary action is taken if warranted and documented with Human Resources;

(H) Ensure that prompt, corrective action is taken whenever unsafe conditions are recognized and unsafe acts are observed;

(I) Ensure that all employees are physically and mentally capable of performing their tasks;

(J) Be responsible for the processing of worker's compensation claim forms involving departmental employees and submitting those forms to Human Resources for handling; and

(K) Serve on a safety committee or inspection team when appointed or elected.

(Ord. passed 2-18-03; Am. Ord. passed 8-29-09; Am. Ord. passed 6-21-11)

§ 10-12.12 SUPERVISORS.

Supervisors shall include all superintendents, supervisors, deputy chiefs, captains, lieutenants, sergeants, and any other positions serving in a supervisory capacity. These persons will hereinafter be referred to as supervisors. Supervisors will assume the responsibility of thoroughly instructing their personnel in safe practices to observe in their work situations. Supervisors will be responsible for daily enforcement of all safety policies and procedures to the utmost of their ability and authority. Supervisors will be required, as a condition of employment, to report any and all safety violations to the Safety Coordinator and their direct supervisor. Supervisors will act positively to eliminate any potential hazards within any activities under their jurisdiction and they will set the example of good safety practice in all spheres of their endeavors.

Safety records shall be measured along with other phases of supervisor performance. Therefore, it is absolutely essential that such records be complete and accurate and that all accidents be fully reported. Principal duties of supervisors are as follows:

(A) Enforce all safety rules and procedures;

(B) Make certain all injuries are reported promptly and treated properly and all accidents are reported, even if injury is not apparent;

(C) Conduct thorough investigations of all accidents and take necessary steps to prevent recurrence through employee safety education, operating procedures or modification of equipment;

(D) Provide employees with complete safety instructions regarding their duties prior to the employees actually starting to work;

(E) Conduct regular safety checks, including careful examinations of all new and relocated equipment before it is placed in operation;

(F) Properly maintain equipment and issue instructions for the elimination of fire and safety hazards;

(G) Continuously inspect for unsafe practices and conditions and properly undertake any necessary corrective action;

(H) Develop and administer an effective program of good housekeeping and maintain high standards of personnel and operational cleanliness throughout all operations;

(I) Provide safety equipment and protective devices for each job based on knowledge of applicable standards or on recommendations of the safety coordinator;

(J) Conduct safety briefings and encourage the use of employee safety suggestions;

(K) Give full support to all safety procedures, activities and programs;

(L) Wear the prescribed uniform and safety shoes as required; and

(M) Serve on a safety committee or inspection team when appointed or elected.

(Ord. passed 2-18-03; Am. Ord. passed 8-29-09; Am. Ord. passed 6-21-11)

§ 10-12.13 EMPLOYEES.

Employees will be required, as a condition of employment, to exercise care in the course of their work to prevent injuries to themselves and to their fellow workers. Employees will be required, as a condition of employment, to report any and all safety violations to the Safety Coordinator and their direct supervisor. Employees are required to:

(A) Use the safety equipment which has been provided for use in performing daily work assignments;

(B) Wear the prescribed uniform and safety shoes, as required;

(C) Not operate equipment for which training or orientation has not been received;

(D) Warn co workers of unsafe conditions or practices they are engaged in which could lead to or cause an accident;

(E) Report defective equipment immediately to a supervisor;

(F) Report dangerous or unsafe conditions that exist in the work place as well as throughout the municipality. This would include defective sidewalks, broken curbs, handling tree limbs, loose handrails, open manholes, sunken basins and sewers, missing or damaged traffic signs or signals and the like;

(G) Report all injuries and accidents regardless of the severity as soon as practical;

(H) Protect unsafe conditions that result from municipal work that could present a hazard to the public;

(I) Take care not to abuse tools and equipment, so that these items will be in useable condition for as long as possible, as well as to ensure that they are in the best possible condition while being used;

(J) Participate in all required safety and occupational health training and be certain that they understand instructions completely before starting work; and

(K) Serve on a safety committee or inspection team when appointed or elected.

(Ord. passed 2-18-03)

DIVISION 2: OPERATIONS

§ 10-12.14 MONTHLY SAFETY TRAINING PROGRAM – NEW EMPLOYEE ORIENTATION.

(A) All section supervisors will conduct a monthly safety meeting with their employees. Date, those in attendance and the topic of the discussion will be documented. Documentation of safety meetings shall be submitted to the Safety Coordinator on a monthly basis.

(B) All newly assigned and/or hired employees will receive a safety orientation on the safety policies and procedures for their department/division and vehicles/equipment before going to work at their designated duty section. This orientation shall be the direct responsibility of the department head and shall be conducted by the department head and/or the employee's direct supervisor. The safety orientation will be documented and signed by both the department head/supervisor conducting the orientation and employee and a copy shall be placed in the employee's personnel file as a permanent record.

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(B) The purpose of incident investigation is to prevent the reoccurrence of incidents by identifying contributing causes, determining corrective measures necessary to eliminate causes, and disseminating information on incident prevention to the Incident Prevention Subcommittee. The Incident Prevention Subcommittee will then review the information assembled and prepare updates, memorandums and newsletters to all employees on incident prevention.

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(Ord. passed 2-18-03)

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(Ord. passed 2-18-03; Am. Ord. passed 8-29-09; Am. Ord. passed 2-18-14; Am. Ord. passed 5-18-21)

APPROVED, ADOPTED AND EFECTIVE, this ____ day of August, 2024.

CITY OF EDEN

By: _____
Neville Hall, Mayor

ATTEST:

Deanna Hunt, City Clerk