

**EDEN CITY COUNCIL  
REGULAR MEETING AGENDA  
November 19, 2024 at 6 p.m.  
Council Chambers, 308 E. Stadium Drive**

1. Meeting called to order by: Neville Hall, Mayor
2. Invocation: Pastor Jackie Valentine, Ambassadors for Christ Ministries
3. Pledge of Allegiance: Daniel Greig, U.S. Navy Veteran and Commander of American Legion Post 254
4. Recognitions:
  - a. 2024 Special Event Sponsors, Volunteers & Staff. **Cindy Adams, Marketing & Special Events Manager**
5. Roll Call
6. Set Meeting Agenda
7. Public Hearings:
  - a. (1) Consideration of a zoning map amendment and adoption of an ordinance to rezone 0.42 acres at 403 Morgan Road from Residential 12 to Neighborhood Mixed Use - Zoning Case Z-24-05. **Kelly Stultz, Planning & Community Development Director**  
  
(2) Consideration of a resolution adopting a statement of consistency regarding the proposed map amendment in Z-24-05. **Kelly Stultz, Planning & Community Development Director**
  - b. Consideration to adopt an ordinance annexing the property located at 773 Summit Loop (continued from the 10-15-24 regular meeting). **Kelly Stultz, Planning & Community Development Director**
8. Requests and Petitions of Citizens
9. Unfinished Business
10. New Business:
  - a. Consideration to appoint a replacement of a Firefighters' Relief Fund member. **Chris White, Fire Chief**
11. Reports from Staff:
  - a. City Manager's Report. **Jon Mendenhall, City Manager**
  - b. Boards & Commissions Appointments. **Kelly Stultz, Planning & Community Development Director**
12. Consent Agenda:
  - a. Approval and adoption of the October 15 regular meeting minutes. **Deanna Hunt, City Clerk**
  - b. Approval and adoption of an ordinance amending Chapter 15 (Utilities), Article II of the Code of Ordinances. **Melinda Ward, Utilities Manager**
  - c. Approval and adoption of a Third Amendment to the Waste Management Agreement. **Dusty Curry, Operations Superintendent; Tammie McMichael, Director of Finance & Personnel**
  - d. Approval to purchase 10.22 acres in the Bear Slide area for sewer maintenance purposes, storm drainage access, siphon access and greenway extension. **Erin Gilley, City Attorney; Kelly Stultz, Planning & Community Development Director**

- e. Approval and adoption of Policies, Plans, Resolutions and Ordinances for the Leaksville CDBG – Neighborhood Revitalization project. **Kelly Stultz, Planning & Community Development Director**
- f. Approval and adoption to renew an agreement with the Eden ABC Board for law enforcement in the City of Eden. **Erin Gilley, City Attorney; Paul Moore, Police Chief**

13. Announcements

14. Adjournment



# Planning & Community Development Department

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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:** **Zoning Case Z-24-05 – PIN 7070-11-65-7882**  
**Date:** November 8, 2024

The City has received a zoning map amendment request filed by John D. Porter, Owner of Subject Property, to rezone 0.42 acres located at 403 Morgan Road, PIN No. 7070-11-65-7882 (previously a portion of the following PIN's: 7070-11-65-7766, 7070-11-65-7820 and 7070-11-65-7857; changed by Plat Book 98, page 27). The request is to rezone the property from Residential-12 to Neighborhood Mixed Use.

The Planning and Community Development Department recommends approval of the map amendment request. At a regular meeting on October 22<sup>nd</sup>, the Planning Board voted to recommend that the City Council approve this request.

*CERTIFICATE SHOWING THAT NOTICES WERE MAILED TO THE OWNER(S) OF PROPERTY SUBJECT TO REZONING AND TO OWNER(S) OF ALL PARCELS OF LAND ABUTTING SUBJECT PROPERTY AND/OR WITHIN 100 FEET OF SUBJECT PROPERTY.*

RE: ZONING CASE Z-24-05

PIN No. 7070-11-65-7882 (previously a portion of the following PIN's: 7070-11-65-7766, 7070-11-65-7820 and 7070-11-65-7857; changed by Plat Book 98, page 27)

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF EDEN:

I, Kelly K. Stultz, Planning & Community Development Director of the City of Eden North Carolina, do hereby certify that notices of the proposed zoning map amendment requested by John D. Porter, Owner of Subject Property, to rezone PIN No. 7070-11-65-7882, from Residential-12 to Neighborhood Mixed Use, were mailed first-class mail to the owner of the property in the proposed rezoning and all property owners adjacent to or within 100 feet of the subject area on the 25th day October, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand this the 8th day of November, 2024.



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Kelly K. Stultz, AICP  
Planning and Community Development Director





# Rezoning (Map Amendment) Application

Planning and Inspections Department  
308 E. Stadium Dr., Eden, NC 27288  
Phone: 336-623-2110 x2 / Fax: 336-623-4057

[www.edennc.us](http://www.edennc.us)

## CONTACT INFORMATION

John D. Porter  
Contact Name  
2530 Newton Grove Hwy  
Contact Address  
Newton Grove, NC 28366  
City State Zip  
843-902-4691 johnporter51chevy@gmail.com  
Phone Number Email  
John Porter is owner of property @ 403 Morgan Rd.  
Contact's Property Interest or Legal Relationship to Owner

## PROPERTY OWNER INFORMATION

Property Owner Name  
Property Owner Mailing Address  
City State Zip  
Phone Email  
SAME AS ABOVE

## PROPERTY INFORMATION

Parcel ID # 166814, PIN 7070-11-65-7766-00  
Tax Property ID No. (PIN)  
1673 1912  
Deed Book and Page No.  
403 Morgan Road  
Physical Address  
Eden NC 27288  
City State Zip  
2023 0.423 (per "Parcel B" on attached survey prepared in March, 2024)  
Year Current Owner Acquired Property Acreage

Public Water Available?  Yes  No Public Sewer Available?  Yes  No  
Current Use of Property storage facility for household furnishings of Joseph E. Porter deceased 12/24/2023.

City Jurisdiction: YES In-City Limits N/A ETJ

Existing land use/zoning on adjoining properties:  
North: residential (Juanita & Eliseo Mendoza)  
South: residential  
East: public park (Morgan Rd Shelter @ 508 Orchard Rd, Eden, NC)  
West: residential ("parcel A" per attached survey, owned by John D. Porter)

**ADDITIONAL INFORMATION**

Attach the following documents to this application form:

\*NOTE: Teresa Booth @ attorney Matt Smith's office recorded the deed on Aug 27, 2024 and will this week be mailing it to me, and I will then mail a copy to KStultz to attach to this application

per attached survey  
201.41' LONG  
89.68' WIDE

\*  Recorded deed to the property

Copy of the recorded plat or survey for the property\* or

\*Preferred

A map showing dimensions of the property

**PROCESS & FILING INFORMATION**

**Submission Requirements:** Per Article 3 of the Eden Unified Development Ordinance (UDO), every applicant for a rezoning (map amendment) is required to meet with the Administrator in a pre-application conference prior to the submittal of a formal application. The purposes of this conference are to provide additional information regarding the review process and assistance in the preparation of the application. Upon application submittal, the Administrator shall review the application to ensure that it is complete.

**Review Process:** After review and recommendation of the application by the Administrator, the Planning Board shall review and provide a recommendation to the City Council. Upon receiving a recommendation from the Planning Board, the City Council shall hold a legislative public hearing on the proposal for official action.

**Required Application Information:** A petitioner must complete this application in full. This application will not be processed unless all information requested is provided.

**General Rezoning Requests:** These are "general" requests involving a zoning change to an individual parcel of land. The request is to amend or change the City's Official Zoning Map in a certain area from one zoning district to another. "General" rezoning requests are not specific and if approved, any permitted land use within the new zoning district as illustrated in Section 5.06 (Table of Permitted Uses) of the Eden UDO could be permitted.

**Conditional Zoning District Requests:** Conditional Zoning Districts (CZ) are districts with conditions voluntarily added by the applicant. Conditional Zoning Districts provide for orderly and flexible development under the general policies of this ordinance without the constraints of some of the prescribed standards guiding by-right development. Conditional Zoning Districts may be used in any district but is not intended to relieve hardships that would otherwise be handled using a variance procedure. Conditional Zoning District rezonings can include restrictive land uses, site/subdivision master plans and other information as described in Section 3.10 of the UDO.

**ZONING INFORMATION**

Request Type:  General Rezoning  Conditional Zoning District

Current Zoning District *Residential*

Requested Zoning District *Neighborhood Mix*

If the request is to a Conditional Zoning District this application should be accompanied by an Existing Conditions Map, a Sketch Plan (may be waived by the Administrator as appropriate), and Master Plan; as well as any other plans, drawings, renderings, elevations, maps and documents specifically included as development documents for approval by the City Council. At a minimum, the following should be provided:

1. The underlying zoning districts and a full list of proposed uses consistent in character with those zoning districts. Such use classifications may be selected from any of the uses, whether permitted, by right or with supplemental standards, allowed in the general zoning district upon which the Conditional Zoning District is based. Uses not otherwise permitted within the general zoning district shall not be permitted within the Conditional Zoning District.
2. General traffic routes (external and internal) to and from the development with major access points identified.
3. Tabular data, including the range and scope of proposed land uses, proposed densities, floor area ratios and impervious surface ratios as applicable to development type; and land areas devoted to each type of

general land use and phase of development.

4. A proposed development schedule if the project is to be phased.

Proposed Land Use(s):

TO RESTORE THE PROPERTY TO ITS ORIGINAL COMMERCIAL USE\*  
(ie, ITS 6+ DECADES AS A COMMUNITY GROCERY STORE, DIME  
STORE, AND COMMERCIAL RENTAL) TO ENABLE USE FOR A LIGHT  
COMMERCIAL, SUCH AS A SERVICE BUSINESS (MAYBE PLUMBING, HVAC,  
CONTRACTOR) OR POSSIBLY SUBDIVIDING FOR APARTMENTS OR CONDOMINIUMS. <sup>BUILDING</sup>

Proposed Conditions Offered by Applicant:

THE BUILDING WILL BE CLEARED OF ALL  
OF ITS CONTENTS, CLEANED, AND ITS ELECTRICAL OUTLETS  
AND OVERHEAD LIGHTING WILL BE FUNCTIONAL. HVAC ON THE  
LARGER "DIME STORE" SIDE OF THE BUILDING WILL BE FUNCTIONAL.  
ITS UNPAVED PARKING AREA ON THE NORTH SIDE OF THE BUILDING WILL  
BE FUNCTIONAL.

**APPLICANT/OWNER CERTIFICATION**

I hereby certify that, to the best of my knowledge, the information on this application is true and accurate, and I hereby petition the Planning Board to recommend and the City Council to approve this application for a rezoning (map amendment).

\*NOTE: PLEASE SEE THE ATTACHED "HISTORY OF THE STORE PROPERTY" THAT PROVIDES NARRATIVE DOCUMENTATION OF THE PROPERTY'S ORIGINAL COMMERCIAL USE.

*John D. Porter* 8/27/2024  
Applicant Signature Date  
*John D. Porter* 8/27/2024  
Property Owner Signature Date

**Office Use Only**

Staff Member (Initial upon Receipt)      Date      JCA      10/11/2024  
Application Number      Fee Paid      Z-24-05      \$300.00

**PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
ZONING MAP AMENDMENT REPORT  
October 22, 2024**

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<b>CASE NUMBER:</b>	<b>Z-24-05</b>
<b>EXISTING ZONING DISTRICT:</b>	<b>Residential-12 (R-12)</b>
<b>REQUESTED ZONING DISTRICT:</b>	<b>Neighborhood Mixed Use (NMX)</b>
<b>APPLICANT:</b>	<b>John D. Porter</b>
<b>APPLICANT'S STATUS:</b>	<b>Owner of Subject Property</b>

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**PROPERTY INFORMATION**

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<b>LOCATION:</b>	403 Morgan Road
<b>PIN:</b>	7070-11-65-7882 (previously a portion of the following PIN's: 7070-11-65-7766, 7070-11-65-7820 and 7070-11-65-7857; changed by Plat Book 98, page 27)
<b>SIZE:</b>	0.42 acres
<b>ACCESS:</b>	Morgan Road
<b>LAND USE:</b>	Residential
<b>ZONING HISTORY:</b>	R-6 in UDO before 2021.

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**AREA INFORMATION**

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<b>CHARACTERISTICS:</b>	Relatively Flat and located in an area that already has city services.
<b>ADJACENT ZONING:</b>	North: R-12 East: NMX West: R-12 South: R-12

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**PLANNING AND DEVELOPMENT INFORMATION**

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<b>STREET IMPROVEMENTS:</b>	Yes
<b>PUBLIC WATER AVAILABLE:</b>	Yes
<b>2022 COMPREHENSIVE PLAN:</b>	Traditional Neighborhood (TN)
<b>FLOOD HAZARD AREA:</b>	No
<b>WATER SUPPLY WATERSHED:</b>	No

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## STAFF ANALYSIS

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The request is to rezone property located at 403 Morgan Road of approximately 0.42 acres from R-12 to NMX. The subject parcel contains a vintage commercial structure with vacant property to the north end of the parcel. With city services available and proximity to Morgan Road, this property is in a prime area for permitted commercial, residential and mixed uses.

The Eden Comprehensive Plan indicates this property as being in a Traditional Neighborhood development area. The Traditional Neighborhood area is comprised predominantly of older neighborhoods that grew around Eden's historic downtowns. These areas feature smaller lots and provide a transition from the more urban downtowns (Town Center areas) to suburban residential areas. The Traditional Neighborhood category is designed to retain established neighborhoods and maintain their historic character while allowing some flexibility of housing types. Single-family homes are located on small lots that match existing patterns. Development in the Traditional Neighborhood areas can include a variety of housing types including single family homes, duplexes, townhomes, pocket neighborhoods, and well-designed house-scale multifamily buildings. To encourage walkability to the Town Center areas, streets should have pedestrian facilities. Infill is encouraged on vacant parcels.

The Neighborhood Mixed Use zoning district would allow small-scale Commercial & Entertainment and Office & Services development. Examples of such permitted uses include: Bicycle Sales & Repair, Restaurants, Dry Cleaning & Laundry, Pet Care Service, Professional Office/Services, and other similar uses.

### **Uses and Intensity**

- Typical Uses: Residential (all forms)
- Gross Residential Density: 4-8 Dwelling Units per Acre (DUA)
- Unit Type and Open Space: Mostly single family units, however a mix of housing unit types is allowed for infill if designed to fit with existing properties. Infill subdivisions should incorporate some public space in the form of preserved natural features or more formal open space such as common greens, plazas, and/or playgrounds.

This property was zoned R-12 under the UDO with us having the expectation that the property would likely need to change before development.

The City of Eden is in need of housing of all types and infill development is always encouraged.

Based upon the aforementioned information, staff recommends in favor of the request.

**STAFF RECOMMENDATION:**

**Approval of the request**





**ZONING CASE**

**Z-24-05**

**AERIAL MAP**



**PIN:**  
**PIN 7070-11-65-7882**  
**(previously a portion of the**  
**following PIN's:**  
**7070-11-65-7766,**  
**7070-11-65-7820**  
**and 7070-11-65-7857;**  
**changed by**  
**Plat Book 98, page 27)**

**Zoned:**  
**Residential-12**

**Request:**  
**Neighborhood Mixed Use**





**ZONING CASE**

**Z-24-05**

**ZONING MAP**

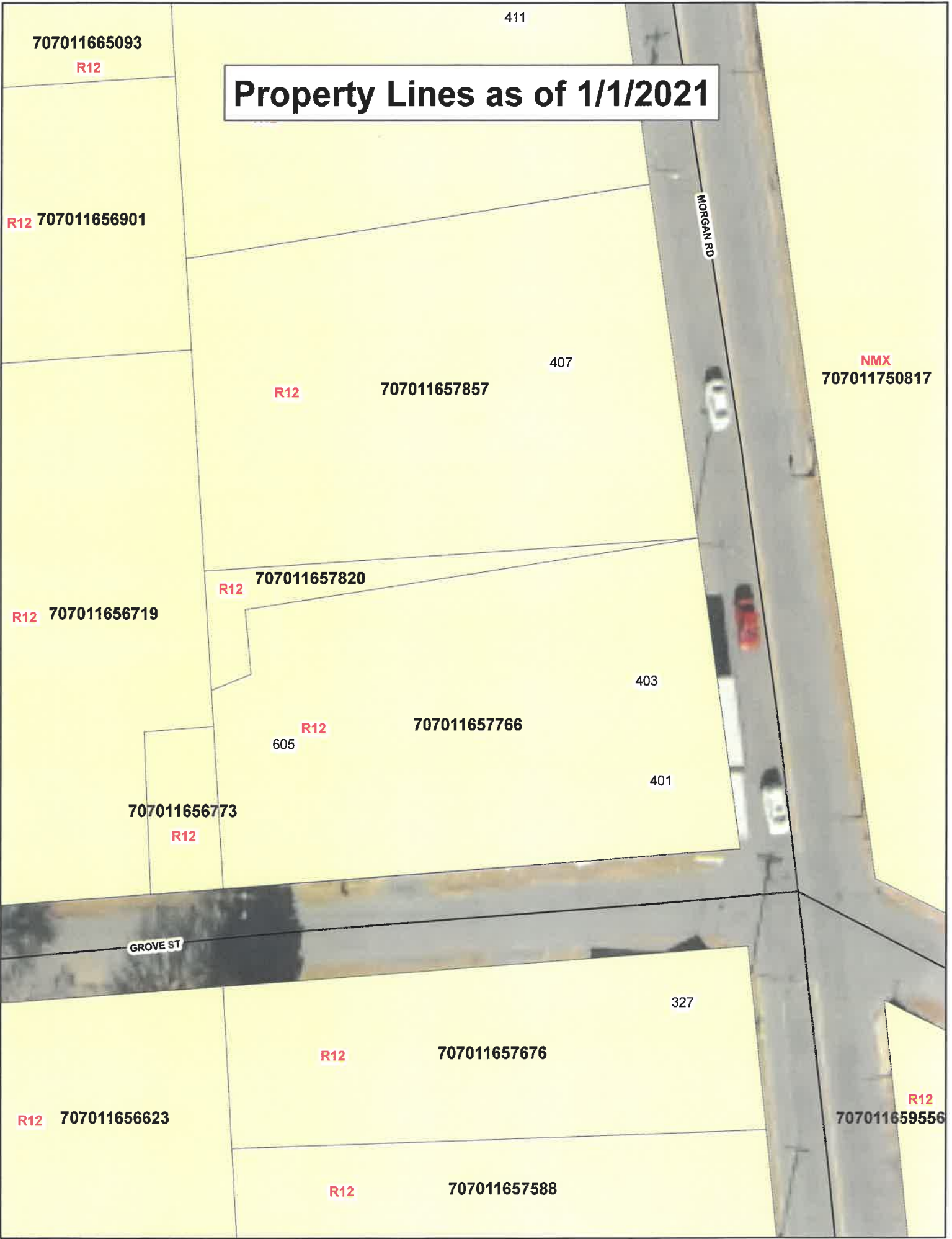


**PIN:**  
**PIN 7070-11-65-7882**  
**(previously a portion of the**  
**following PIN's:**  
**7070-11-65-7766,**  
**7070-11-65-7820**  
**and 7070-11-65-7857;**  
**changed by**  
**Plat Book 98, page 27)**

**Zoned:**  
**Residential-12**

**Request:**  
**Neighborhood Mixed Use**

# Property Lines as of 1/1/2021



707011665093

R12

411

R12 707011656901

# Property Lines as of 1/1/2021

MORGAN RD

R12

707011657857

407

NMX  
707011750817

R12 707011656719

R12

707011657820

403

R12

707011657766

605

401

707011656773

R12

GROVE ST

327

R12

707011657676

R12 707011656623

R12  
707011659556

R12

707011657588



# Property Lines as of 9/30/2024



AN ORDINANCE AMENDING THE ZONING  
ORDINANCE OF THE CITY OF EDEN

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

**Section 1 - Change from Residential 12 to Neighborhood Mixed Use the following property:**

Being all that certain Tracts or Parcels of Land containing 0.42 acres, as more particularly set forth on:

Being all of Parcel B containing 18,422 sq. ft. (0.423 acre+/-) as per Plat of Survey for John D. Porter by C.E. Robertson & Associates, P .C. and being recorded in Map Book 98, Page 27, Rockingham County Registry, said plat being incorporated herein by reference for a more complete description of the property herein conveyed.

This Tract shall not have access to Grove Street via the Gravel Drive as shown as said Plat.

For back reference see Estate of Joseph Emory Porter (24E70).

The above-described property being more commonly identified by the Rockingham County Tax Dept. as containing approximately 0.42 acres located at 403 Morgan Road and as PIN No. 7070-11-65-7882 (previously a portion of the following PIN's: 7070-11-65-7766, 7070-11-65-7820 and 7070-11-65-7857; changed by Plat Book 98, page 27).

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

APPROVED, ADOPTED AND EFFECTIVE, this 19th day of November, 2024.

CITY OF EDEN

BY: \_\_\_\_\_  
Neville A. Hall, Mayor

ATTEST:

\_\_\_\_\_  
Deanna Hunt, City Clerk

A RESOLUTION ADOPTING A  
STATEMENT OF CONSISTENCY REGARDING  
A PROPOSED AMENDMENT TO THE  
CITY OF EDEN UNIFIED DEVELOPMENT ORDINANCE  
**CASE NUMBER Z-24-05**  
**MAP AMENDMENT**

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

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

WHEREAS, the City of Eden Planning Board received a request to rezone 0.42 acres located at 403 Morgan Road from Residential 12 to Neighborhood Mixed Use,

WHEREAS, On October 22, 2024, the City of Eden Planning Board voted to recommend to the Eden City Council that the rezoning request be approved.

STATEMENT OF NEED:

The property in question would satisfy a need in our community for housing and small-scale commercial development.

STATEMENT OF CONSISTENCY:

The property is denoted in the City of Eden Comprehensive Plan as a Traditional Neighborhood area. The Traditional Neighborhood area is comprised predominantly of older neighborhoods that grew around Eden's historic downtowns. These areas feature smaller lots and provide a transition from the more urban downtowns (Town Center areas) to suburban residential areas. The Traditional Neighborhood category is designed to retain established neighborhoods and maintain their historic character while allowing some flexibility of housing types. Single-family homes are located on small lots that match existing patterns. Development in the Traditional Neighborhood areas can include a variety of housing types including single family homes, duplexes, townhomes, pocket neighborhoods, and well-designed house-scale multifamily buildings. To encourage

walkability to the Town Center areas, streets should have pedestrian facilities. Infill is encouraged on vacant parcels.

The Neighborhood Mixed Use zoning district would allow small-scale Commercial & Entertainment and Office & Services development. Examples of such permitted uses include: Bicycle Sales & Repair, Restaurants, Dry Cleaning & Laundry, Pet Care Service, Professional Office/Services, and other similar uses.

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

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

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

Approved and adopted and effective this 19th day of November, 2024.

CITY OF EDEN

BY: \_\_\_\_\_  
Neville Hall, Mayor

ATTEST:

\_\_\_\_\_  
Deanna Hunt, City Clerk



## Planning and Community Development Department

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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:** November 13, 2024

At the regular City Council meeting on July 16, 2024, the Council called for a public hearing to be held at the October 2024 regular meeting to hear comments regarding an annexation of the property located at 773 Summit Loop. The public hearing was continued until the November 19, 2024 meeting.

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

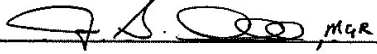
Staff is of the opinion that this property should be annexed.

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





DEED NORTH  
D.B.1645 PG.2747

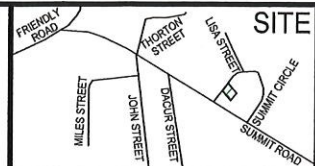
I, Gregory M. Gorrell, certify that this map was drawn under my Supervision from an actual survey made under my supervision (deed description recorded in Book \_\_\_ as Page shown); that the boundaries not surveyed are indicated as drawn from information in Book \_\_\_ as Page shown; that the ratio of 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

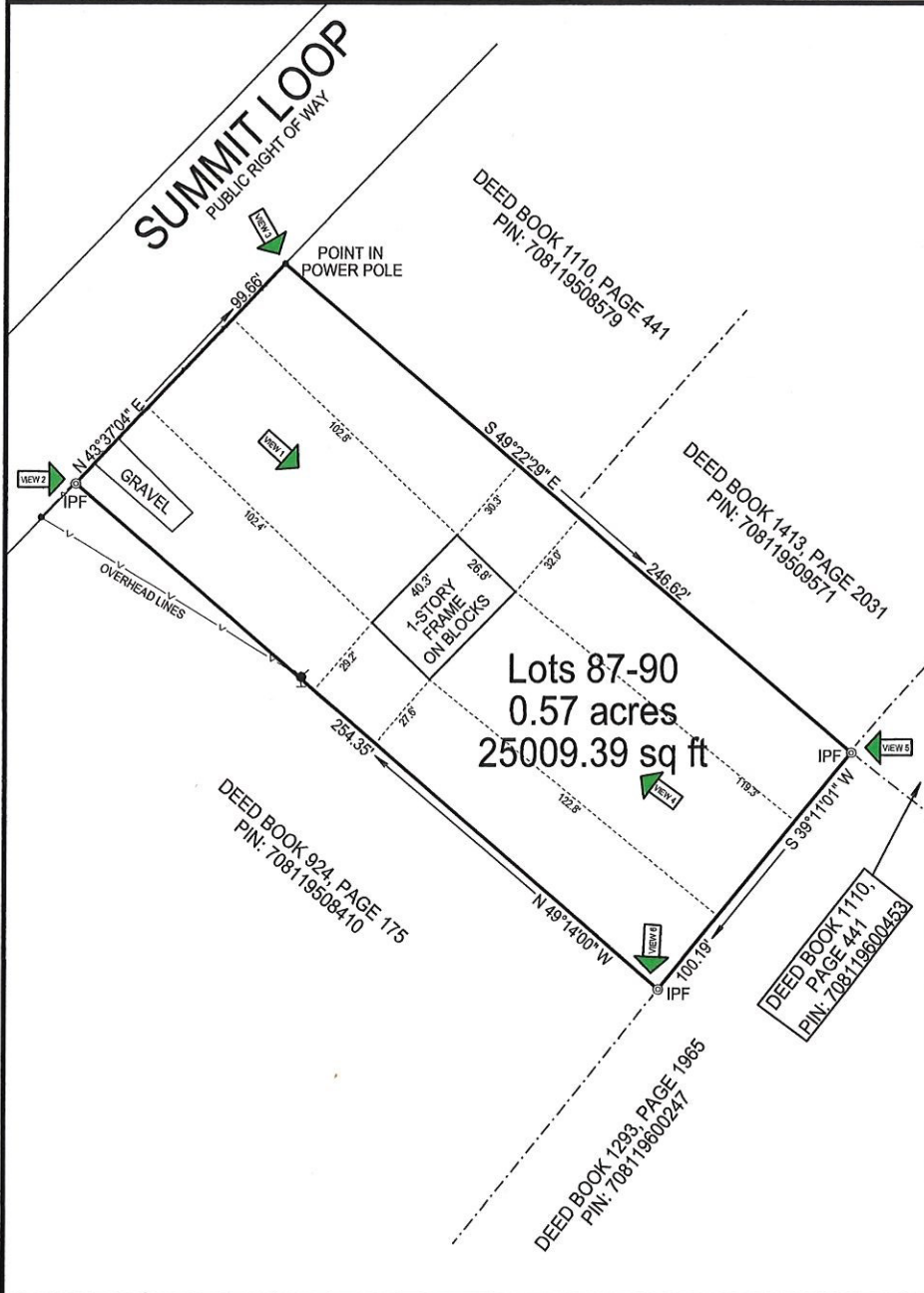
- ⊙ Iron pipe found ( IPF )
- Iron pipe set ( IPS )
- R/W Right of Way
- Power Pole

**LEGEND**

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

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

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



VIEW 1



VIEW 2



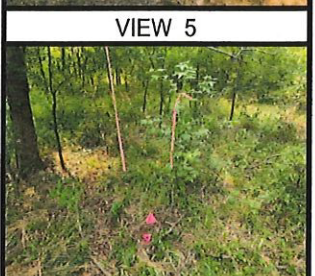
VIEW 3



VIEW 4



VIEW 5



VIEW 6

This map does not meet G.S. 47-30 Mapping Requirements of N.C. and is not for recordation

Drawn by: MLH  
File name: 773 summit loop

Map of Survey For:

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

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

DATE: 07-18-2023

SCALE: 1"= 30'



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



**FOUR POINTS SURVEYORS**

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

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

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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 November 19, 2024, after due notice by publication; 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 19th day of November, 2024.

CITY OF EDEN

BY: \_\_\_\_\_  
Neville A. Hall, Mayor

ATTEST:

\_\_\_\_\_  
Deanna Hunt, CMC  
City Clerk



*Chris White*  
*Fire Chief*

City of Eden  
**FIRE**  
**DEPARTMENT**

*Safety. Service. Morale*

*James Slaughter*  
*Deputy Fire Chief*

To: Honorable Mayor and Members of Council  
From: Chris White, Fire Chief  
Date: 10/28/2024  
Subject: Replacement of a Fireman Relief Fund member

Dear Mayor and Council Members,

The City of Eden Fireman Relief Fund requires a replacement for one of its board members. According to North Carolina General Statute 58-84-30, Section (2), the mayor and the board of aldermen (or other local governing body) must appoint two representatives to the board, who will serve at the pleasure of the governing body. Additionally, the appointed members must be residents of the fire district.

Currently, one of our appointed board members, Tony South, does not reside within the City of Eden Fire District. Therefore, we recommend appointing Tim Biggs as a replacement to ensure compliance with the statute.

Thank you for your attention to this matter.

Respectfully submitted,

Chris White  
Fire Chief



**City Manager's Report**  
**November 2024**  
City Manager Jon Mendenhall

**ADMINISTRATION**

Marketing & Communications Office

**WINTERFEST is set for Friday, December 6 in Grogan Park from 5:30 - 8:00 p.m.**

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

**FUN HOLIDAY TRADITIONS IN EDEN DURING THE MONTH OF DECEMBER!**

- December 2 – Spray Tree Lighting at the Fire Station – 6:00 p.m.
- December 3 – Draper Tree Lighting at the Corner of Fieldcrest & Stadium – 6:00 p.m.
- December 6 – WinterFest – Grogan Park – 5:30 p.m. to 8:00 p.m.
- December 7 – 57<sup>th</sup> Annual Draper Children's Parade – 11:00 a.m.
- December 14 – Ugly Christmas Sweater Shopping Event – All Day in Uptown Eden
- December 18 & 19 from 5:00 p.m. until 8:00 p.m. – Phone Calls from Santa – Call 336-623-2110 to schedule

We have set our **2025 EVENT DATES!** Mark your calendars. It's going to be exciting.

- April 26 Native American Youth Powwow
- May 15 Spring Grown & Gathered
- June 7 Piedmont Pottery Festival
- June 14 Oink & Ale
- July 19 Shaggin' on Fieldcrest
- August 7 Summer Grown & Gathered
- August 16 Touch-A-Truck
- September 19 & 20 RiverFest
- December 5 WinterFest

## **PARKS & RECREATION DEPARTMENT**

### Recreation Division

Bridge Street Recreation Center: Bridge Street Recreation Center stays busy with daily walkers and fitness classes. The afterschool program helps with daily homework.

Mill Avenue Recreation: Pickleball is played Monday, Tuesday, Wednesday, Friday, and Sunday afternoon. Cornhole games are still being played. Prowlers are gearing up for basketball. We are looking forward to games.

Freedom Park: The lights are up and the power is on, we should have the timer on the center pole so that walkers can walk after sunset for about 1.5 hours. The pickleball courts should be paved mid-November.

Senior Center: The seniors are staying busy every month playing pickleball, bingo, quilt making classes, 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 October 1, 2024 - October 31, 2024

Total Local Code Inspections Performed	31
Local Code Notices Sent	7
Local Codes Abated	18

### Inspections & Permits October 2024

Total Inspections Performed	281 (Does not include fire inspections)
Total Permits Issued	102

### Boards & Commissions

The Community Appearance Commission met for the month of October and have discussed current and future projects.

The Historic Preservation Commission met for the month of October but did not have enough members present to establish a quorum.

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

The Planning Board met for the month of October to advise and review Zoning Case Z-24-02. It is to zone the former Porter's Store to Neighborhood Mix. The Planning Board voted unanimously at their October meeting to rezone the property.

The bid opening for the Draper School Roof was held and the successful bidder is Alvarez Roofing of Eden.

### Veterans Park Beautification Project: Phase III-Community Appearance Commission

Staff had multiple site visits with local concrete companies to discuss details and specifics of the Phase 3 walkway project. They have plans of outlining the walkway with a brick border and offer residents to purchase an engraved brick In Honor or In Memory of a veteran. Staff researched suppliers for the engraved brick and plans to present the results to the commission board in November. Staff created digital renderings of the walkway project and has plans to send out an RFP to local concrete companies to receive bids on the project.

Ferry Road Sign Project- Historic Preservation Commission

Staff, with the assistance of the Streets Division of Public Works, installed the Ferry Road sign at Location No. 1 (intersection of S. Fieldcrest Road & E. Stadium Drive). Staff continues to work on Location No. 2 (intersection of E. Stadium Drive & Third Avenue) sign installation portion of the project.

Spray Traffic Circle Fountain Project- Historic Preservation Commission

Staff plans to have a site visit with the owner of the Spray Cotton Mill and a representative of company that did the demolition/clean-up in November to go over what type of materials are available for the fountain project.

30 FOR 30 Tree Planting Campaign- Tree Board

Staff has received numerous inquiries about the campaign and has 2 trees registered to date. 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**

Our four cadets in BLET are continuing to progress will through the course. The Cadets are scheduled to take their final POPAT on November 20, 2024.

One of the Dodge Durango's at Campbell Brown has been completed and the second is in process. The remaining two are still being staged at the City shop and are scheduled to be delivered to Campbell Brown this month.

On October 31, was Captain Anthony Welch's final working day and is officially retired. Captain Welch is transitioning into the reserve officer capacity.

**FIRE DEPARTMENT**

The Fire Department responded to 114 calls for the month of October. The Fire Marshal completed 43 inspections the month of October. October was Fire Prevention month. The City of Eden Fire Department had trained approximately 1200 children with fire education prevention.

**PUBLIC WORKS DEPARTMENT**

Streets

Crews continue to work daily on mowing, street sign maintenance, patching, litter control, roadside vegetation and leaves. The concrete crew replaced 80 feet of sidewalk, 15 feet on Irving Avenue and have started getting materials for the Stadium Drive Fire Department. Parking spaces on Henry Street and in the Municipal Parking lot were re-painted.

### Solid Waste

In October, Solid Waste crews hauled 476.45 tons of municipal solid waste. Collection totals include 11.90 tons of brush and 145.20 tons of bulk waste. Work continues for collection, transferring and hauling solid waste to the landfill.

### Collection & Distribution

In October, there was a significant spike in water leaks. Crews were able to get some much-appreciated assistance from all departments at Public Works to help address and repair the leaks. Reports of sewer blockages/issues decreased slightly for the month. Crews were able to mow 1.8 miles of outfalls and clean/flush 1,485 feet of sewer lines.

### Construction

Crews repaired a washed-out area on the Matrimony Creek Greenway. Crews worked on Circle Drive water line replacement. Crews installed a 6-foot tapping sleeve and valve. Tapped the main. Installed 238 feet of 6-foot ductile iron pipe along with 6 bends to this point. Staff are dressing up and sowing where needed as we go along. Staff has staged more 6 feet ductile for installation. Crews were given 7 CDL test on 4 different days.

### Utilities

Staff renewed the contract with 120 Water for another year to have access to their data base. We are also asking them to handle the required responses to all customers with unknown material or material that needs to be replaced. This must go out 30 days after the inventory is submitted. Raw water pump #1 has been repaired and is back in service. Raw water pumps #2 and #3 are also operating normally. The river level looks good, with no issues with pulling in water from the raw water intake. Synagro continues to work on the North Basin clean out, along with land applying the cake from the press. The excavator has removed the remaining sludge out of the corner of the basin. Staff is discussing with Synagro the next phase to remove the remaining contents from the basin.



# Planning and Inspections 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:** **Boards and Commission Terms and Policies**  
**DATE:** November 13, 2021

The City of Eden has several boards and commissions that are appointed by the City Council. My department staffs the Planning Board, Board of Adjustment, Community Appearance Commission, Historic Preservation Commission and the Tree Board. These groups are referred to in the Eden City Code as the Planning Organization Boards and Commissions.

All of our groups are appointed by the Council for 4 year, staggered terms unless a new member is appointed for only the remaining time left in the term. Therefore, we have term limits naturally built into the process. Additionally, a member can be removed by the City Council for cause. This includes violations of the attendance policy, ethical issues or failing to follow city policies.

The groups we staff need members that are very interested in particular parts of the City's work. Finding qualified candidates for these political appointments can be challenging. One of the most effective Planning Board members has been on the Board for nearly 30 years.

Attached you will find a list of appointments and/or reappointments for 2025.

If you have questions, please let me know.



# **Planning and Community Development Department**

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

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## **Ward 1 Councilman Wood**

Board of Adjustment – Joan Moore (Term Expired – 3-year term)

Community Appearance – Debbie Dyer (Filling Expiring Term, Re-Appoint in December for a 3-year term)

Historic Preservation – Eric Prunty (Attendance – fill unexpired term for 1 year-2025)

## **Ward 2 Councilman Nooe**

Board of Adjustment – Will Flynt (Term Expired – 3-year term)

## **Ward 3 Councilman Kirkman**

Board of Adjustment – Barney Walker (Term Expired – 3-year term)

## **Ward 4 Councilman Epps**

Tree Board – Paul Dishmon (Term Expired – 3-year term)

## **Ward 5 Councilman Underwood**

Historic Preservation – Jackie Valentine (Attendance – fill unexpired term for 2 years, 2025 and 2026)

Tree Board – Max Kirks (Term Expired – 3-year term)

## **Ward 6 Councilman Light**

Historic Preservation – Charles L. Yarbrough (Term Expired – 3-year term)

Planning Board – Jerry W. Holland, Jr. (Term Expired – 3-year term)

## **Ward 7 Councilman Ellis**

Community Appearance – Debbie Ellis (Term Expired – 3-year term)

Historic Preservation – Wanda Stophel (Term Expired – 3-year term)

## **Mayor Hall**

Community Appearance – Julie Talbert (Term Expired – 3-year term)

Historic Preservation – Mike Quickel (Filling Expiring Term, Re-Appoint in December for 3 years)

Planning Board – Carol Helms (Term Expired – 3-year term)

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

Planning Board – Terry Shelton (Term Expired – 3-year term)



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

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

## CITY OF EDEN, N.C.

A regular meeting of the City Council, City of Eden, was held on Tuesday, October 15, 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:	Mike Moore, Mike Moore Media Roy Sawyers, Rockingham Update

MEETING CONVENED:

Mayor Hall called the regular meeting of the Eden City Council to order and welcomed those in attendance.

Council Member and Pastor Jerry Epps gave an invocation followed by the Pledge of Allegiance led by Parker Woodall, sixth grader at Holmes Middle School, and Norah Woodall, third grader at Stoneville Elementary School.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS:

## a. Recognition: The Hair Company for 50 years in business

Mayor Hall called owner Kim Woodall and her team forward. He said half a century in business was special for any institution but for a service business like a hair salon, 50 years was an amazing accomplishment. In 1974, stylist Larry Turner started The Hair Company in The Professional Arts Building on Highway 14 across from the hospital. In 2000, Larry moved The Hair Company to its present location at 624 Monroe Street. In 2003, stylist Kim Woodall began working at the salon and was now the proud owner of the business. Kim knew exactly what had enabled The Hair Company to not only stay in business 50 years, but to grow, thrive and become an integral part of Uptown Eden - the support of clients and her team of nine stylists. One of those was the original owner – Mr. Turner - who to this day cut hair for some of the very clients who first visited the business in 1974. The Hair Company invited the community to celebrate their 50th Anniversary on Friday, Oct. 18 from 3 to 6 p.m. at the salon with food, drinks, special vendors and exclusive deals. He congratulated The Hair Company on 50 years in business and thanked them for being a part of Eden's business community. He presented Ms. Woodall with a framed anniversary print.

Ms. Woodall said as much of an honor as it would be to accept the award, she could not as she was not even 50 years old. She had worked for The Hair Company for 21 years, and of those years she had owned it for four years. The acknowledgement should go to her mentor Mr. Turner and she presented it to him.

Mr. Turner said a lot had changed in 50 years. The loyalty of the people in Eden had not changed. The salon was on a third generation of families visiting The Hair Company. They appreciated it every day. He thanked everyone.

## b. Recognition: Eden First Responders contribution to Tropical Storm Helene recovery efforts

Mayor Hall asked the members of the Eden Rescue Squad and Eden Fire Department in attendance to stand and he recognized them for their selfless dedication and time when they deployed to help our neighbors in Western North Carolina. He said everyone had seen how bad it was there and any help they could get was always

appreciated. He knew it was a hard place to go and see what happened but it meant a lot to the people out there. He thanked the members for going and serving those people. It was appreciated.

c. Proclamation: Indigenous Peoples' Day

Mayor Hall asked Patric Suarez to come forward and he read the proclamation.

Mr. Suarez thanked the City for giving his group the opportunity to come. It was their third year putting on the Youth Powwow which was across the street. It was held in the gym because of the unpredictable weather in April. They would like to bring more awareness to Native Americans in Eden and the surrounding areas. Indigenous Peoples' Day coincided with Columbus Day to let people know that Native Americans were still here, a vital part of society and still thriving. Many states, cities and even the federal government were issuing such proclamations. He appreciated Eden for doing the proclamation and hoped it could be done yearly and he could bring more people. He presented Mayor Hall with sage which was used to purify the body and air. He thanked the City for the recognition.

PROCLAMATION  
Indigenous Peoples' Day 2024

WHEREAS, American Indians have inhabited this continent for centuries, and from the first contact with English settler, American Indians shared their knowledge of the land and its resources, and have continued to play a vital role in the development of City of Eden, the State of North Carolina, and the Nation;

WHEREAS, North Carolina is home to more than 122,000 American Indians with eight historic tribes which are legally recognized by the State of North Carolina;

WHEREAS, the City of Eden enjoys a positive relationship with its American Indian citizens; recognizes and encourages the acknowledgement of the history, contributions, and sacrifices of Indigenous Peoples; and honors and respects the rich cultural and economic contributions that American Indians have made; and

WHEREAS, the City of Eden promotes inclusion of Indigenous Peoples to ensure greater access and opportunity, and honor our nation's indigenous roots, history, and contributions;

WHEREAS, Indigenous Peoples' Day was first proposed in 1977 by a delegation of Native Nations to the United Nations sponsored International Conference on Discrimination Against Indigenous Populations in the Americas; and

NOW THEREFORE, I Neville Hall, as Mayor of the City of Eden, and on behalf of the City of Eden, do hereby proclaim Monday, October 14, 2024 as Indigenous Peoples' Day in the City of Eden, and hereby reaffirm the commitment of the City of Eden to promote the well-being and growth of Eden's American Indian and Indigenous Community.

This, the 15th day of October, 2024.

By: Neville Hall, Mayor

Attest: Deanna Hunt, City Clerk

d. Resolution: Imagine A Day Without Water

Mayor Hall called Utilities Manager Melinda Ward to come forward and he read the resolution.

Ms. Ward said on Thursday, the City would be taking a moment to imagine a day without water. They did it yearly to remember the role that water played in each aspect of their lives. Nearly everything that was used needed water in some form or fashion in order to be created, produced or transformed. Luckily, the City only had to imagine it but they had neighbors to the west who were not only imagining it but were living it right now. It was not just one day but multiple days, weeks and possibly months before they were going to see any kind of improvement in their system where they had entire systems actually destroyed or damaged due to the hurricane that went through those areas. She thanked Council and the citizens for their continued efforts in keeping the

City's infrastructure funded. What happened in Western North Carolina was beyond anyone's control but at the same time, the City did not want to find itself in the same course of action in the future. She wanted everyone to realize that every dollar spent was doing something that would benefit the City and the future of the community.

RESOLUTION  
Imagine a Day Without Water 2024

WHEREAS, the tenth annual Imagine a Day Without Water National Day of Action raises awareness about and appreciation for our most essential resource. The water infrastructure in the City of Eden delivers clean drinking water to over 15,400 residents per day, and then safely returns wastewater to the environment; and

WHEREAS, reliable water services are essential to the quality of life, environment, and economic vitality of the City of Eden and a day without water would be a public health and safety crisis, limiting the functionality of firefighters, hospitals, businesses, and homes. Reliable water services help to drive a healthy economy, providing workforce opportunities, protecting business continuity, and supporting healthy and happy communities; and

WHEREAS, the nation's water infrastructure is aging and in need of investment, resulting in a water main break every two minutes somewhere in the country. An estimated two million Americans are living without access to adequate drinking water and sanitation; and

WHEREAS, by recognizing the true value of water in our lives, we can help secure a healthy water future for everyone in our community and for all Americans.

NOW THEREFORE, BE IT RESOLVED, that the City of Eden recognizes that water is essential to quality of life, public safety, and economic health and, accordingly, acknowledges the importance of raising awareness about the value of water through participation in Imagine a Day Without Water National Day of Action on October 17, 2024; and

BE IT FURTHER RESOLVED, that the City of Eden is dedicated to investing in safe and reliable water and wastewater systems and calls on our local/state/federal partners to continue dedicating the funding necessary to protect and restore our nation's critical water infrastructure.

This, the 15th day of October, 2024.  
By: Neville Hall, Mayor  
Attest: Deanna Hunt, City Clerk

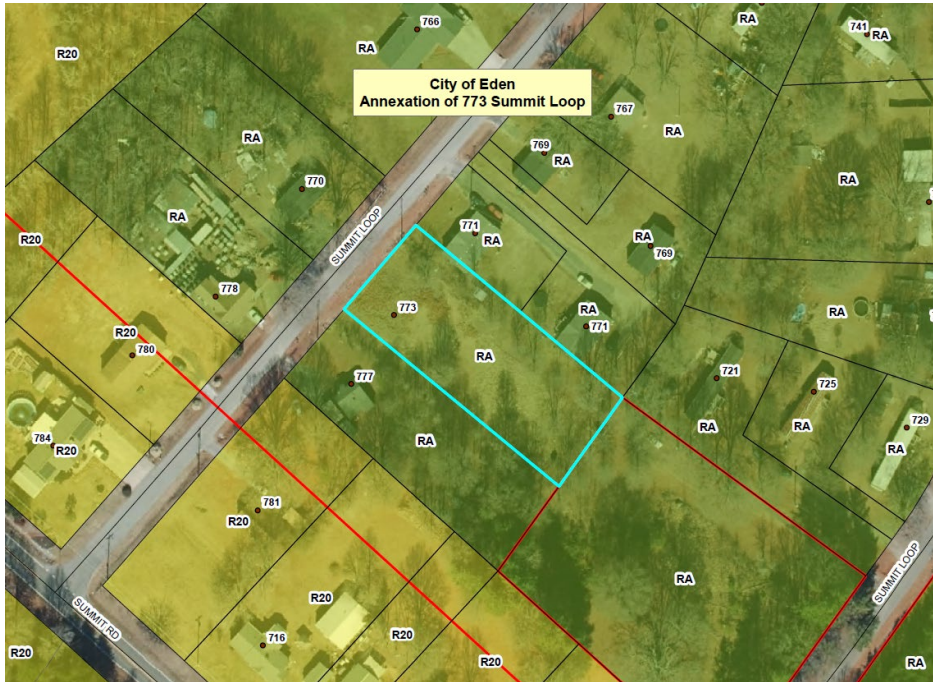
SET MEETING AGENDA:

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

PUBLIC HEARINGS:

- a. Consideration to adopt an ordinance annexing the property located at 773 Summit Loop.

Planning & Community Development Director Kelly Stultz wrote in a memo: At the regular City Council meeting on July 16, 2024, the Council called for a public hearing to be held at the August 20, 2024, meeting to hear comments regarding an annexation of the property located at 773 Summit Loop. The public hearing was continued until the September 17, 2024 meeting and then continued until the October 15, 2024 meeting. The Petition Requesting Annexation was filed by the property owner, Brason Properties, LLC. Staff is of the opinion that this property should be annexed.



Mayor Hall said the item would be continued to the November meeting as it was waiting on some paperwork.

- b. Consideration of an amendment to the CDBG-CV project to seek additional funding to repair and renovate Draper Elementary School.

Ms. Stultz wrote in a memo: The City of Eden was awarded a grant in the amount of \$950,000 for subsistence payments to provide emergency rent, utility and/or mortgage payments up to six months to vendors on behalf of LMI households. All of those funds were not needed for the designated purposes. At the August 16, 2022, City Council meeting, the Council approved a request to amend the grant program to assign \$782,000 for Public Facilities and Improvements so that the Draper Elementary School could be repaired. A work write-up for the roof repairs has been advertised and bids will be opened on October 15, 2024, at 11 am. A visit of the school site by City Staff and our Grant Consultant resulted in the opinion that additional funds will be needed to make the repairs necessary to reuse the building for after school programs, business center, recreational activities and various productions on the existing stage. Attached is a copy of an email sent by our Grant Consultant explaining that \$5,000,000 is the maximum amount that we can request and listing items to be included in the scope of work. We ask that you approve our request to apply to the N.C. Department of Commerce for the program amendment to ask for \$5,000,000 in additional funds.

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

Ms. Stultz said as Council was aware, the City received some Covid-19 money a couple of years ago and was not able to spend all the money for the original intended use. The City was given permission by the State, because of its importance to education and further efforts in the City, to spend that money that was left on renovating the former Draper High School, also called Intermediate at one time and where she went to fifth and sixth grades. The building was in a shape that could be usable with the funds the City had; however, staff learned a large amount of the ARPA money was not entangled or encumbered allowing the City to apply for up to \$5 million to do additional work on the building. With the money the City had, it could be made usable, livable, all those things. There were simple things like the student bathrooms which met building code but had no heat or air in them. There were a lot of little things like that staff hoped to accomplish. Staff was not able to give an exact list of what might be done until staff learned how much, if any, funding would be received. Once that was done, it would go through a staff committee, designer, etc., before coming back to Council to approve. Staff had received permission to replace the roof out of order of the rest of the renovations and held a bid opening that morning. Only one bidder showed up on time and so the bid could not be opened. About an hour later a local roofer came in with a bid and

staff could not accept it either. It would be re-advertised and in another two weeks staff would hopefully open those bids. If they just had one bid the next time, it could be opened. Staff wanted to work on getting the roof done as quickly as possible. She asked that Council allow staff to apply for the money which was going to go somewhere and may as well come to help Eden.

Council Member Nooe asked how many square feet were in the existing building.

Ms. Stultz did not know right away.

Council Member Nooe said square footage cost had been included. He was curious how that related to the \$5 million.

Ms. Stultz said it was a just a guesstimate as \$5 million was all the City could get.

Council Member Nooe said for \$300/square foot, a 16,000-square-foot building could be built. He asked if a new building could be constructed with the funds or if it was restricted to upfitting.

Ms. Stultz said the funds were available only for projects that had already been funded.

Council Member Ellis asked if it being a building constructed during President Franklin Roosevelt's tenure could help secure funding.

Ms. Stultz said yes, it was built during the Works Progress Administration and that helped a lot.

Council Member Ellis said it was a positive that the City was capable of getting the funding to preserve the building. It would be a plus for the recreation department.

Ms. Stultz said they would be the main user. There were all kinds of grant funds out there and the wisdom of grant programs could be debated; however, if the funds were going to be shared with communities, Eden may as well put their projects up to be considered in her opinion. She asked that Council allow staff to move forward.

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

A motion was made by Council Member Ellis to approve an amendment to the CDBG-CV project to seek additional funding to repair and renovate Draper Elementary School. Council Member Epps seconded the motion.

Mayor Hall pointed out the vote was not to spend \$5 million but was just asking to apply for the grant.

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

UNFINISHED BUSINESS:

- a. Consideration of appointments to Boards and Commissions.

Ms. Stultz wrote in a memo: The following seats on the City Boards and Commissions are 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. Mayor Hall - Historic Preservation – Chase Lemons (Resigned).

Mayor Hall nominated Mike Quickel to serve on the Historic Preservation Commission.

A motion was made by Council Member Nooe to appoint Mike Quickel to serve on the Historic Preservation Commission. Council Member Wood seconded the motion. All members voted in favor of the motion. The motion carried 7-0.

NEW BUSINESS:

There was none at this time.

REPORTS FROM STAFF:

- a. City Manager's Report.

Mayor Hall called on Mr. Mendenhall.

Mr. Mendenhall said he would be happy to answer any questions.

Mayor Hall said copies were available at the meeting and online.

City Manager's Report  
October 2024  
City Manager Jon Mendenhall

ADMINISTRATION

Marketing & Communications Office

We would once again like to thank everyone who made our RIVERFEST 2024 a huge success! We had over 24,000 in attendance. We are already working to make 2025 bigger and better.

Our rescheduled FALL Grown & Gathered was awesome. Jarrett and Heidi Nycamp of The Ridge prepared a delicious supper that was enjoyed by all. See you in May!

MARK YOUR CALENDARS FOR WINTERFEST! Our date is set for Friday, December 6 in Grogan Park from 5:30 p.m. until 8:00 p.m. This event is so much FUN for little kids and BIG kids alike. Don't miss it.

FALL is a beautiful time of year in Eden and Rockingham County. Get outside and enjoy one of our beautiful rivers, trails or parks.

PARKS & RECREATION DEPARTMENT

Recreation Division

Bridge Street Recreation Center: Bridge Street Recreation Center has been busy with daily walkers and fitness classes. The afterschool program has started with 20 children attending.

Mill Avenue Recreation: Pickleball is being played Monday, Tuesday, Wednesday, Friday and Sunday afternoon. Cornhole games are also being held as well. Prowlers are gearing up for football, volleyball and cheer. All practices have started. Games for football and volleyball are beginning to start.

Freedom Park: The lights are up and are ready for Duke Energy to hook up power. All ballfields are completed and the contractors are working on the pickleball courts. Weather has slowed some of the work being done at the park.

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 September 1, 2024 - September 30, 2024

Total Local Code Inspections Performed 89

Local Code Notices Sent 30

Local Codes Abated 25

Inspections & Permits August 2024

Total Inspections Performed 259 (Does not include fire inspections)

Total Permits Issued 107

### Boards & Commissions

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

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

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

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

Veterans Park Beautification Project: Phase III-Community Appearance Commission

Staff is still 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 board has plans of outlining the walkway with a brick border and offer residents to purchase an engraved brick "IN HONOR" or "IN MEMORY" of a veteran (family/friend relations).

Ferry Road Sign Project- Historic Preservation Commission

The Ferry Road Sign at the corner of Stadium and Fieldcrest has been installed.

Spray Traffic Circle Fountain Project- Historic Preservation Commission

Staff contacted the owner of the Spray Cotton Mill and discussed collaborating on using materials from the Mill to construct the fountain. Update to come in October.

30 FOR 30 Tree Planting Campaign- Tree Board

Staff launched 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.

Staff continues to collaborate with Webb Irving on purchasing trees for various planting projects for Fall of 2024 and Spring of 2025.

## POLICE DEPARTMENT

Our four cadets in BLET are continuing to progress will through the course. The Cadets have taken their mid-term physical agility test are all predicted to be able to pass the final.

Two of the Dodge Durangos have been delivered to Campbell Brown and are awaiting equipment install. The remaining two are still being staged at the city shop.

Holsters and Lights have been received as part of our equipment trade in with Dana Safety Supply. This equipment will be issued during our fall in-service and all officers will be trained to proficiently with the new equipment.

September 20 and September 21, our officers attended Riverfest. Eighteen (18) to include the Chief and Deputy Chief worked this event.

## FIRE DEPARTMENT

The Fire Department responded to 89 calls for the month of September. The Fire Marshal completed 61 inspections the month of October. October is Fire Prevention Moth. Fire Prevention week is October 6-12. Eden Fire Department will conduct public education in all City elementary schools.

## PUBLIC WORKS DEPARTMENT



### Streets

Maintenance crews continue to work throughout the City to manage vegetation, litter and trees. This includes vegetation removal totaling 622.5 cubic yards while 40 acres of vegetation was cut. Litter control is always a top priority with 28 bags were picked up this month. The concrete crew were able to install 200 feet of sewer pipe on Irving Avenue. Sign maintenance was busy spraying and mowing right-of-way's while patching continues.

### Construction

The Construction Crew cleaned, sowed and matted a total of 468 feet of ditch on the following streets: 1300 to 1306 Lewis Street, 137 Hairston Street and 608 Robindell Court. Circle Drive water line replacement phase one began. Our crew laid out the centerline for the new water main, marked the ditch line for sawing and started cutting road. We also staged a new 6 foot ductile along the beginning of the job. We rocked the parking lot extension at public works with the assistance of drivers from streets. Crews spread, graded and compacted stone. 270.88 ton of ABC stone was used on the parking lot.

### Collections & Distribution

Collection and Distribution crews work to continue on water leaks and sewer issues as they are reported. Staff worked to complete each one as quickly as possible while making sure sewer issues remain the top priority when reported. Repairs to hydrants, sewer laterals, meter boxes and installing new water taps were also part of the work that was completed this month.

### 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 476.84 tons. The amount of vegetative tonnage (brush) collected in September was 9.43 tons while bulk waste tonnage collected was 156 tons.

### Fleet

The Fleet Division had 197 work orders which includes all outside repairs, road calls as well as regular service, tires and NC inspections.

### Utilities

Staff has finished updating the lead and copper inventory on the 120 Water platform with all information that has been given. Staff has been reviewing the renewal contract with 120 Water and discussing the benefits of what McKim & Creed can help with to decide our next steps. Staff met to discuss a plan to clean the basin out at the New Street Wastewater Treatment Plant. Maintenance is working on installing the small generators at the pump stations. Synagro continues to work on the North Basin clean out, along with land applying the cake from press. The excavator has removed the remaining sludge out of the corner of the basin. They are working with Synagro on the next phase to remove the remaining contents from the basin.

### CONSENT AGENDA:

- a. Approval and adoption of the September 17 regular meeting minutes.
- b. Approval and adoption of a Grant Project Ordinance, Record Retention Policy Addendum, Resolution for Allowable Costs and Cost Principles for Expenditure, and Resolution for Eligibility Determination Policy needed to finalize the use of the City's ARPA funds.

Assistant Finance Director Amy Winn wrote in a memo: The attached ordinance and resolutions are needed to finalize the use of the City's ARPA funds. ARPA funds need to be obligated by December 31, 2024. The projects budgeted for in FY 24-25 to use ARPA funds will not be complete by December 31, 2024 (Police in-car/body camera contract and the hypochlorite conversion project). The attached budget ordinance transfers these funds to salaries and benefits so that the savings in salaries and benefits can be used to cover these projects after December 31, 2024.

*A copy of the policies is available in the Office of the City Clerk.*

**GRANT PROJECT ORDINANCE**

for the City of Eden American Rescue Plan Act of 2021: Coronavirus State and Local Fiscal Recovery Funds

BE IT ORDAINED by the City Council of the City of Eden, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1: This ordinance is to establish a budget for a project to be funded by the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (CSLFRF). The City of Eden has received CSLFRF funds in the amount of \$4,744,130. These funds may be used for the following categories of expenditures, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Section 2: The following amounts are appropriated for the project and authorized for expenditure:

Premium Pay (GF &W/ S)	178,000.00
Employee Retention (GF & W/ S)	1,294,500.00
Police In-Car Cameras/Body Cameras	302,500.00
City Hall Re-Cable/ Ceiling Tile	91,500.00
Renovation of Fire Station # 4	235,400.00
Fire Department Radio Replacement	320,000.00
Monroe Street Sidewalk	43,600.00
Police Salaries	289,400.00
Replace Sludge Dump Valve (Water Filtration)	28,000.00
Generator Upgrade (Water Filtration)	77,800.00
Sed Basin Monorake (Water Filtration)	19,200.00
Paint Sludge Scrapper (Water Filtration)	14,000.00
Pump Station Generator (C&D)	33,500.00
Bryd Street Tank Removal (C&D)	60,000.00
Clarifier Rehab (WWT)	46,000.00
Gate Repairs (WWT)	18,100.00
Bar Screens (WWT)	190,500.00
Service Truck (Water Resources)	120,000.00
Sodium Hypochlorite Project (WF & WWT)	55,600.00
Sampler for Industry (WWT)	6,300.00
Railroad Pump Station Improvements	25,300.00
W/S Salaries/Benefits July 1 - Dec 31, 2024	1,492,600.00
<b>TOTAL</b>	<b><u>4,941,800.00</u></b>

Section 3: The following revenues are anticipated to be available to complete the project:

CSLFRF Funds:	4,744,200.00
Investment Earnings:	97,600.00
<b>TOTAL</b>	<b><u>4,841,800.00</u></b>

Section 4: The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements.

Section 5: The Finance Officer is hereby directed to report the financial status of the project to the governing board on a monthly basis.

Section 6: Copies of this grant project ordinance shall be furnished to the Budget Officer, the Finance Officer and to the Clerk to City Council.

Section 7: This grant project ordinance expires on December 31, 2026, or when all the CSLFRF funds have been obligated and expended by the city, whichever occurs sooner.

Duly adopted this 15th day of October, 2024.

By: Neville Hall, Mayor

#### CERTIFICATION

I, Deanna Hunt, the duly appointed Clerk to the City Council of the City of Eden, North Carolina, do hereby certify that that the foregoing is a true and correct copy of which was adopted by the City Council at its regular meeting held on the 15th day of October 2024.

#### RESOLUTION Eligible Use Policy

WHEREAS, the City of Eden has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

WHEREAS, US Treasury is responsible for implementing ARP/CSLFRF and has enacted a Final Rule outlining eligible projects; and

WHEREAS, the funds may be used for projects within these categories, to the extent authorized by state law.

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors;
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and
6. Invest in certain disaster recovery/mitigation projects, Title I projects, and Surface Transportation projects; and

WHEREAS, the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Part 200 (UG), as provided in the Assistance Listing; and

WHEREAS, US Treasury has issued a Compliance and Reporting Guidance v.3.0 (February 28, 2022) dictating implementation of the ARP/CSLFRF award terms and compliance requirements; and

WHEREAS, the Compliance and Reporting Guidance states on page 6 that Per 2 CFR Part 200.303, your organization must develop and implement effective internal controls to ensure that funding decisions under the SLFRF award constitute eligible uses of funds, and document determinations.

BE IT RESOLVED that the Eden City Council hereby adopts and enacts the following Eligibility Determination Policy for ARP/CSLFRF funds.

By: Neville Hall, Mayor

Attest: Deanna Hunt, City Clerk

#### RESOLUTION For Allowance Costs and Cost Principles for the Expenditure of American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds

WHEREAS the City of Eden has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

WHEREAS the funds may be used for projects within these categories, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and
6. Invest in certain disaster recovery/mitigation and Title I projects, and surface transportation projects; and

WHEREAS the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Sect. 200 (UG), as provided in the Assistance Listing; and

WHEREAS the Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds provides, in relevant part: Allowable Costs/Cost Principles. As outlined in the Uniform Guidance at 2 CFR Part 200, Subpart E regarding Cost Principles, allowable costs are based on the premise that a recipient is responsible for the effective administration of Federal awards, application of sound management practices, and administration of Federal funds in a manner consistent with the program objectives and terms and conditions of the award. Recipients must implement robust internal controls and effective monitoring to ensure compliance with the Cost Principles, which are important for building trust and accountability. ARP/CSLFRF Funds may be, but are not required to be, used along with other funding sources for a given project. Note that ARP/CSLFRF Funds may not be used for a non-Federal cost share or match where prohibited by other Federal programs, e.g., funds may not be used for the State share for Medicaid. Treasury's Interim Final Rule and guidance and the Uniform Guidance outline the types of costs that are allowable, including certain audit costs. For example, per 2 CFR 200.425, a reasonably proportionate share of the costs of audits required by the Single Audit Act Amendments of 1996 are allowable; however, costs for audits that were not performed in accordance with 2 CFR Part 200, Subpart F are not allowable. Please see 2 CFR Part 200, Subpart E regarding the Cost Principles for more information.

a. Administrative costs: Recipients may use funds for administering the SLFRF program, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements. Further, costs must be reasonable and allocable as outlined in 2 CFR 200.404 and 2 CFR 200.405. Pursuant to the ARP/CSLFRF Award Terms and Conditions, recipients are permitted to charge both direct and indirect costs to their SLFRF award as administrative costs. Direct costs are those that are identified specifically as costs of implementing the ARP/CSLFRF program objectives, such as contract support, materials, and supplies for a project. Indirect costs are general overhead costs of an organization where a portion of such costs are allocable to the ARP/CSLFRF award such as the cost of facilities or administrative functions like a director's office. Each category of cost should be treated consistently in like circumstances as direct or indirect, and recipients may not charge the same administrative costs to both direct and indirect cost categories, or to other programs. If a recipient has a current Negotiated Indirect Costs Rate Agreement (NICRA) established with a Federal cognizant agency responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals, then the recipient may use its current NICRA. Alternatively, if the recipient does not have a NICRA, the recipient may elect to use the de minimis rate of 10 percent of the modified total direct costs pursuant to 2 CFR 200.414(f).

b. Salaries and Expenses: In general, certain employees' wages, salaries, and covered benefits are an eligible use of [ARP/CSLFRF] award funds; and

WHEREAS Subpart E of the UG dictates allowable costs and cost principles for expenditure of ARP/CSLFRF funds; and

WHEREAS Subpart E of the UG (specifically, 200.400) states that:

The application of these cost principles is based on the fundamental premises that:

- (a) The non-Federal entity is responsible for the efficient and effective administration of the Federal award through the application of sound management practices.
- (b) The non-Federal entity assumes responsibility for administering Federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the Federal award.

- (c) The non-Federal entity, in recognition of its own unique combination of staff, facilities, and experience, has the primary responsibility for employing whatever form of sound organization and management techniques may be necessary in order to assure proper and efficient administration of the Federal award.
- (d) The application of these cost principles should require no significant changes in the internal accounting policies and practices of the non-Federal entity. However, the accounting practices of the non-Federal entity must be consistent with these cost principles and support the accumulation of costs as required by the principles and must provide for adequate documentation to support costs charged to the Federal award.
- (e) In reviewing, negotiating and approving cost allocation plans or indirect cost proposals, the cognizant agency for indirect costs should generally assure that the non-Federal entity is applying these cost accounting principles on a consistent basis during their review and negotiation of indirect cost proposals. Where wide variations exist in the treatment of a given cost item by the non-Federal entity, the reasonableness and equity of such treatments should be fully considered.
- (f) For non-Federal entities that educate and engage students in research, the dual role of students as both trainees and employees (including pre- and post-doctoral staff) contributing to the completion of Federal awards for research must be recognized in the application of these principles.
- (g) The non-Federal entity may not earn or keep any profit resulting from Federal financial assistance, unless explicitly authorized by the terms and conditions of the Federal award;

BE IT RESOLVED that the governing board of City of Eden hereby adopts and enacts the following US Cost Principles Policy for the expenditure of ARP/CSLFRF funds.

Adopted this the 15th day of October, 2024.

By: Neville Hall, Mayor

Attest: Deanna Hunt, City Clerk

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

#### ANNOUNCEMENTS:

Mayor Hall said RiverFest was such a good event and the City was so proud of it. He asked if Marketing & Special Events Manager Cindy Adams wanted to give any information.

Ms. Adams said the following month she would like to have a volunteer recognition and lunch. In the meantime, the numbers had come in from placer.ai at 24,300 people. There were a little over 22,000 in 2023. The festival was great and went very smooth. She thought the community and visitors liked it. There was a good variety of things. They did shuttles because of parking issues. On Friday night, they shuttled 680 people and 1,400 on Saturday in three 15-passenger vehicles. They were very busy. She thanked Council for their support. RiverFest would not happen at the level it was done without the sponsors and they would be recognized the following month. She would expand on it more the following month.

Mayor Hall noted Friday, Oct. 25 was Treat Street in Uptown Eden followed by the Halloween Parade in Freedom Park on Saturday, Oct. 26 at 11 a.m.

#### ADJOURNMENT:

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

Respectfully submitted,

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Deanna Hunt, City Clerk

ATTEST:

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Neville Hall  
Mayor

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**CITY OF EDEN – MEMORANDUM**

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**TO:** HONORABLE MAYOR AND CITY COUNCIL

**THRU:** JON MENDENHALL, CITY MANAGER

**FROM:** MELINDA WARD, UTILITY MANAGER

**DATE:** NOVEMBER 19, 2024

**SUBJECT:** WATER AND SEWER USE ORDINANCE UPDATES

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On 9/11/24, the state passed legislation changing the rules allowed for Backflow/Cross Connection. Due to these changes, the Backflow/Cross Connection portion of the Ordinance needs to be updated to reflect these new requirements. New requirements include the testing frequency being extended to every three years instead of annually. Also, no locality can require a device on a residential or commercial system unless a specific hazard is present. Previously, we required devices because of the potential for hazards. All must still follow the requirements of the state building and plumbing codes.



(1) The purpose of this section is to require that when a **hazardous** cross-connection to the city public water system has been identified, all water flowing from the public water system into that private water system, must flow through an approved backflow prevention assembly. Furthermore, each backflow prevention assembly must be properly located, installed, tested, and maintained per the city requirements so that the backflow prevention assembly is effective in protecting the public water system from any possible contamination or pollution.

(2) The installation or replacement of a backflow prevention assembly for domestic water, irrigation, commercial and industrial use shall only be performed by a licensed plumber, utility contractor or homeowner. The installation or replacement of a backflow prevention assembly on a dedicated fire sprinkler service shall only be performed by a licensed fire sprinkler contractor. All backflow prevention assemblies shall be tested and repaired by a certified backflow prevention assembly tester authorized by the city.

(3) For premises existing prior to the start of this program, the Backflow/Cross-Connection ORC and Building Official will perform evaluations and inspections of plans and/or premises and inform the owner by letter of any corrective action deemed necessary.

(4) All new and change of use construction plans and specifications which will receive service from the city public water system shall be made available to the Backflow/Cross-Connection ORC for review, approval, and to determine the degree of hazard, and any required backflow prevention assembly to be installed.

(5) All facilities zoned commercial or industrial that have existing water services with the city and requesting certificate of occupancy from the City or County Planning and Zoning offices, whether for new construction or change of use, shall be inspected for compliance of backflow prevention and cross-connection control. Any facility not having backflow protection or changing the degree of hazard shall be brought into compliance before the Backflow/Cross-Connection ORC may release the certificate of occupancy.

(6) The Backflow/Cross-Connection ORC will determine if a water service customer must install a backflow prevention assembly, and provide the water service customer with a letter of notification and list of approved licensed plumbers. Any unapproved backflow prevention assembly must be replaced, with an approved backflow prevention assembly, within a time period set by the Backflow/Cross-Connection ORC.

(a) The following time periods shall be set forth for the installation of the specified backflow prevention assemblies:

1. For new construction, no water meter will be installed by the City until the proper backflow prevention assembly is installed, tested, and approved; and

2. For a change of use/change of ownership, no water service will be activated by the city until the proper backflow prevention assembly is installed, tested and approved.

(b) The existing facility evaluation compliance schedule is as follows:



Health hazard 60 days  
~~Non-health hazard 90 days~~

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(c) The testing and repair compliance schedule is as follows:

Failure to repair or replace failed a backflow prevention assembly 14 days  
Failure to test backflow prevention assembly by anniversary date 30 days

(d) If an imminent hazard or an unreasonable threat of contamination or pollution to the city's public water system is detected, the Backflow/Cross-Connection ORC may require the installation of the required backflow prevention assembly immediately, or within a shorter time period than specified above. If installation is not completed within the specified time period, or if contamination is presently occurring, water service may be immediately disconnected in order to protect the potable water system and public health.

(7) All backflow prevention assemblies must be installed and maintained on the water service customer's premises as part of the water service customer's private water system at or near the service connection and before the service line is connected to any other pipes except as authorized by the Backflow/Cross-Connection ORC.

(8) If it has been determined that a backflow prevention assembly cannot be installed at the meter service, due to Zoning or DOT Right-of-Way, an approved backflow prevention assembly must be installed before any branch of plumbing that is installed between the service meter and the service backflow prevention assembly.

(9) Any branch of plumbing installed on the private water system that may be subject to a greater hazard than the supply line, (example: irrigation systems or pump systems, and the like) shall be protected with the appropriate backflow prevention device, as determined by the Backflow/Cross-Connection ORC.

(10) Approved backflow prevention assemblies: Meets American Society of Sanitary Engineers (ASSE) standard and carries ASSE seal or is on the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research (USC FCCHR) approval list. Must also meet the NC State Plumbing Code. Also see the current revision of the city's Backflow Assemblies Specification sheets.

(11) Any water service customer installing any backflow prevention assembly must provide the following information to the Backflow Administrator:

- (a) Owner's name and address;
- (b) Service address where assembly is installed;



- (c) Description of assembly's location;
- (d) Date of installation;
- (e) Size of assembly;
- (f) Type of assembly;
- (g) Manufacturer;
- (h) Model number;
- (i) Serial number; and
- (j) Test results/reports.

(12) [Reserved].

(13) Each backflow prevention assembly that is required must function properly at time of installation. Each water service customer will be required to maintain, and repair each assembly required as part of their private water system. Testing shall be done immediately following installation of any backflow prevention assembly prior to receiving a CO (certificate of occupancy) and **triennial** thereafter. The owner, at their own expense, shall have a certified backflow prevention assembly tester conduct the tests and forward the results to the city within ten business days.

(14) If an assembly needs to be repaired it must be re-tested immediately following any repairs. The owner at their own expense shall have a certified backflow prevention assembly tester conduct tests and forward the results to the city. A complete duplicate copy of any testing and/or repair shall be sent to the Backflow/Cross-Connection ORC within ten business days of completion of test or repair. Each water service customer must maintain a complete copy of test or repair for no less than **five six years**. All test and repair records must be maintained on forms approved by the Backflow/Cross- Connection ORC.

(15) All rubber components must be replaced every **five six years** in every backflow prevention assembly or as often as needed, according to manufacturer's directions and components condition.

(16) Any existing backflow prevention assembly that was installed prior to the adoption of this division, which does offer the proper level of protection type for the hazard will need to be replaced. At that point the assembly shall be replaced, by the water customer, with the proper type of assembly for the current hazard classification.

(B) Installation location requirements.

(1) Backflow prevention assemblies must be located in a place where it is readily accessible for regular testing, maintenance, repair and inspection. Any customer's water service that is critical and cannot be shut down for testing or maintenance shall install parallel backflow prevention assemblies in order to maintain the continuity of water flow for testing and repair; or in the case of the assembly failing. Bypass lines parallel to a

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backflow prevention assembly shall have an approved backflow prevention assembly that is equal to that on the main line.

(2) (a) No backflow preventer shall be installed in a manner by which it is subject to freezing. All above-ground backflow preventers shall be installed in an ASSE standard 1060 "freeze retardant" enclosure with a minimum R value of 8.0. All above-ground backflow preventers shall be installed with permanent piped electrical service to a thermostatically controlled heater or heat tape. Backflow for lawn irrigation systems may be installed with unions and an upstream shut off valve not subject to freezing. All underground piping must be installed a minimum of 12 inches below grade and must meet the requirements of underground water service piping.

(b) For reduced pressure zone assembly (RPZ), the following shall apply:

1. Above-ground outdoor installation is preferred and encouraged;
2. Below-ground and indoor installations are strongly discouraged and shall only be allowed in special cases as approved by the Backflow/Cross-Connection ORC. The vault shall have positive drainage with adequate gravity drainage to atmosphere to accommodate for the maximum discharge of the relief valve(s) on the assembly(s) and must be in a location where no portion of assembly can become submerged at any time or under any circumstances or conditions;
3. Twelve inches minimum and a maximum of 36 inches clearance from vault floor and a minimum of 24 inches clearance from a wall or another fixture for the purpose of testing and repair;
4. No vertical installation unless USC FCCHR approvals allow otherwise;
5. Installation in accordance with manufacturer's recommendations;
6. Located where it is readily accessible for regular testing, maintenance, and inspection; and
7. Must be in a location where no portion of assembly can become submerged at any time under any circumstances or conditions.

(3) For double check valve assembly (DCVA), the following shall apply:

- (a) Above-ground outdoor installation is preferred and encouraged;
- (b) Below-ground installation is strongly discouraged, and shall only be allowed in special cases as approved by the Backflow/Cross-Connection ORC. The vault shall have positive drainage with adequate gravity drainage to atmosphere and must be in a location where no portion of assembly can become submerged at any time or under any circumstances or conditions;
- (c) Twelve inches minimum and a maximum of 36 inches clearance from vault floor and a minimum of 24 inches clearance from a wall or another fixture for the purpose of testing and repair;



- (d) Vertical or horizontal installation acceptable with USC FCCHR approvals;
- (e) Installation in accordance with manufacturer's recommendations; and
- (f) Located where it is readily accessible for regular testing, maintenance, and inspection.

(4) For air gaps (AG), the following shall apply:

- (a) Above-ground installation only; and
- (b) Must be in a location where no portion of assembly can become submerged at any time under any circumstances or conditions

(Ord. passed 6-19-18)

#### § 15-54 DEGREE OF HAZARD.

##### (A) Determination.

(1) No service shall be approved until the Backflow/Cross-Connection ORC has been provided with information or has surveyed the private water system to determine the degree of hazard and decides the type of backflow prevention assembly to be installed to protect the city public water supply.

(2) Any water service customer, making any modification to the private water system's use or configuration, which may change the degree of hazard, shall notify in writing the Backflow/Cross- Connection ORC before any modification is made. If the Backflow/Cross-Connection ORC determines that such modification requires a greater degree of backflow prevention assembly, that assembly must be installed prior to any modification of use or configuration.

(3) If the Backflow/Cross-Connection ORC or his or her designee is unable to survey any portion of a private water system to determine the degree of hazard, due to confidential activities, a reduced pressure zone assembly will be required.

##### (B) Degree of hazard.

(1) **HEALTH HAZARD.** Actual or potential threat of contamination that presents an imminent danger to the public health with consequence of serious illness or death.

(2) **NON-HEALTH HAZARD.** One that presents foreseeable and significant potential for pollution, nuisance, aesthetically objectionable or other undesirable alterations of the city's public drinking water supply.

##### (C) Minimum backflow prevention assembly requirements.

(1) Minimum requirements for backflow prevention are as follows:



Degree of Hazard

RPZ or RPDA

DCVA or DCDA

AG

Health hazard

X

X

Non-health hazard

X

Notes:

AG = Airgap

DCVA = Double check air valve assembly

DCDA = Double check detector assembly (fire protection systems w/o chemicals or pumps)

RPZ = Reduced pressure zone assembly

RPDA = Reduced pressure detector assembly (fire protection systems with chemicals or pumps)

(2) Facilities that require a backflow prevention assembly:

(a) Residential dual check valves. If no other backflow prevention assembly is specified, a dual check valve assembly must be installed on all private water systems;

(b) Non-health hazards, including:

1. Connection to tanks, lines, and vessels that handle non-toxic substances;
2. Fire sprinkler systems without chemicals;
3. Most commercial establishments;
4. Churches; and
5. Other facilities as determined by the Backflow/Cross-Connection ORC.

(c) Health hazards, including (note the following is not intended to be an exhaustive list. Any other type facilities or services not listed above may also be required to install an approved backflow prevention assembly if determined by the Backflow/Cross-Connection

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ORC. All assemblies and installations shall be subject to inspection and approval by the Backflow/Cross-Connection ORC or his or her designee):

1. Irrigation systems;
2. Wastewater treatment plants;
3. Beauty shop and salons;
4. Connection to tanks, lines, boilers or vessels that handle sewage, lethal substances, toxic or radioactive substances;
5. Connection to an unapproved water system or auxiliary water supply;
6. Buildings with five or more stories above ground;
7. Hospitals and other medical facilities;
8. Morgues, mortuaries and autopsy facilities;
9. Metal plating facilities;
10. Breweries, bottling plants;
11. Schools, daycares and colleges;
12. Bakeries, restaurants, and the like;
13. Solar hot-water systems;
14. Canneries;
15. Battery manufacturers;
16. Exterminators and lawn care companies;
17. Chemical processing plants;
18. Dairies;
19. Film laboratories;
20. Car wash facilities;
21. Dye work;
22. Laundries;
23. Swimming pools;
24. Waterfront facilities;
25. Concrete/asphalt plants;
26. Airports;



27. Oil and gas production, storage, or transmission facilities;
28. Sand and gravel plants;
29. Furniture manufacturing plants;
30. Interconnection with other water purveyor's potable water systems;
31. Gas/service stations; and
32. Other facilities as determined by the Backflow Administrator.

(3) (a) Filling of tanks/tankers or any other container from a city fire hydrant is strictly prohibited unless it has been equipped with the proper meter and approved backflow prevention assembly. The city will issue a permit for this tank/tanker or container. Any unauthorized connection to a fire hydrant is considered an illegal cross-connection to the city's public water system and will be subject to penalties as set forth in the Fee Schedule.

(b) Exemption: All fire apparatuses are exempt from the backflow prevention requirements only if fighting fire or training. If training they are asked to notify the city's Backflow ORC. However, if fire apparatus has been used to haul non-potable water, it is to be cleaned and re-certified prior to connecting to a city fire hydrant.

(c) All double check valve assemblies installed on irrigation systems prior to 2020 shall be allowed to remain in service until they fail and can longer be repaired. **At that time, they shall be replaced with a reduced pressure principle assembly in order for the irrigation system to remain in service they shall be evaluated for degree of hazard.**

(4) (a) If it has been determined a water service customer's private water system has an imminent hazard, the water service customer must install an approved backflow prevention assembly specified by the Backflow/Cross-Connection ORC and this division.

(b) This assembly must be installed within 24 hours of notification from the Backflow/Cross-Connection ORC. If the water service customer fails to install the specified assembly within the allowed time period, water service to the water service customer's private water system will be terminated and the water service customer may be subject to civil penalties.

(c) In the event the Backflow/Cross-Connection ORC is unable to notify the water service customer within 24 hours of determining an imminent hazard exists, the Backflow/Cross- Connection ORC may terminate water service until the specified assembly is installed. These actions may be carried out under the Safe Drinking Water Act.

(Ord. passed 6-19-18; Am. Ord. passed 1-21-20)

§ 15-55 NOTICE OF CONTAMINATION OR POLLUTION.

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AN ORDINANCE AMENDING  
THE CITY CODE  
OF THE CITY OF EDEN

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BE IT ORDAINED BY THE CITY COUNCIL of the City of Eden, North Carolina, that Article II of Chapter 15 of the Eden City Code is amended as follows:

CHAPTER 15: UTILITIES

Article

- I. IN GENERAL
- II. WATER USE
- III. WASTEWATER SYSTEM
- IV. EXTENSION OF SERVICE LINES
- V. RATES AND CHARGES

ARTICLE I: IN GENERAL

[Reserved]

ARTICLE II: WATER USE

Division 2A: Cross-Connection Control

- 15-47 Purpose of cross-connection control
- 15-48 Authority for implementing a Cross-Connection control program
- 15-49 Definitions
- 15-50 Responsibility
- 15-51 Right of entry; authorization
- 15-52 Law; unprotected cross-connection prohibited
- 15-53 Installation
- 15-54 Degree of hazard



15-55 Notice of contamination or pollution

15-56 Violations and civil penalties

## DIVISION 2A: CROSS-CONNECTION CONTROL

### § 15-47 PURPOSE OF CROSS-CONNECTION CONTROL.

The purpose of this cross-connection section is:

(A) To protect the public potable water supply of the city from the possibility of contamination or pollution, which could backflow into the public water system, due to backsiphonage or backpressure, by containing such pollution or contamination at the water service within customer's private water system;

(B) To define the authority of the city as the water purveyor entitled to eliminating all cross-connections, new or existing, within its public water system; and

(C) To provide for a continuing program of inspections and testing of existing cross-connections, and those which may be installed in the future.

(Ord. passed 6-19-18; Am. Ord. passed 1-21-20)

### § 15-48 AUTHORITY FOR IMPLEMENTING A CROSS-CONNECTION CONTROL PROGRAM.

(A) Cross-connections between potable water systems and non-potable sources are a significant threat to water quality and to the health of the public water supply. This article is designed to maintain the safety and potability of the water in the city's public water system by establishing rules and procedures to prevent the pollution and contamination of public drinking water by backflow from any non-potable source.

(B) The authority for the following backflow and cross-connection rules are found in:

(1) The Federal Safe Drinking Water Act of 1974, 1986 and 1996 (42 US Federal Code, Chapter 6A, Subchapter XII) and the EPA Cross-Connection Control Manual.

(2) NCAC Title 15A, (Title 15A, subchapter 18C .0102 (c) DEFINITIONS.0307 (c)(5)(A), "cross-connection control" and .0406 (b), "Cross-Connections"; and

(3) This division.

(Ord. passed 6-19-18; Am. Ord. passed 1-21-20)

### § 15-49 DEFINITIONS.

For the purpose of this division, the following definitions shall apply unless the context clearly indicates or requires another meaning.

**BACKFLOW.** Any reverse flow of water, gas or any other substance back into the public water system of the city from any source other than the approved water supply.

(1) **BACK PRESSURE BACKFLOW.** Any elevation of pressure in the downstream piping system caused by pumps, elevation of piping, heat or steam and/or air pressure above the supply pressure at the point of consideration, which would cause a reversal of the normal direction of flow of water.

(2) **BACKSIPHONAGE BACKFLOW.** A reversal of the normal direction of flow of water in the pipes due to a negative pressure (vacuum) being created in the supply line with the backflow source subject to atmospheric pressure. This can occur because of water main breaks or during fire suppression events.

**BACKFLOW/CROSS-CONNECTION ORC.** An employee of the city, trained and certified by the state as a cross-connection control operator in responsible charge, designated to administer and enforce this chapter.

**BACKFLOW PREVENTION ASSEMBLY (APPROVED).** An assembly that has been investigated and approved by the Backflow/Cross-Connection ORC and has been approved to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE), the American Water Works Association (AWWA), the North Carolina State Plumbing Code, and has been tested and approved for specific applications by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research (USC FCCCHR). FM (Factory Mutual) and Underwriters Laboratory (UL) approvals shall be required for backflow prevention assemblies installed on fire suppression lines. Installation on a potable water system must use lead free devices.

(1) **AIR GAP (FIXED).** A permanently fixed, unobstructed vertical distance through the atmosphere between the lowest opening from any pipe or faucet supplying water from any source to a tank, plumbing fixture, or other device and the flood level rim of the device. An approved air gap separation shall be at least double the diameter of the supply pipe. In no case shall the air gap separation be less than two inches. An approved air gap may be considered as a backflow prevention assembly.

(2) **DOUBLE CHECK VALVE ASSEMBLY.** An assembly composed of two single, independently operating, approved check valves, plumbed in series. The assembly must include four resilient-seated test cocks that are properly located for testing the assembly and two tightly closing shut-off valves located at each end of the assembly.

(3) **DOUBLE CHECK DETECTOR ASSEMBLY.** An assembly composed of an approved double check valve assembly with a bypass water meter and a meter-sized approved double check valve device. The meter shall register accurately for very low flow rates and shall register all flow rates. The check valves shall allow for water to flow through the water meter prior to flowing through the larger assembly. This shall be for the purpose of detecting leaks or usage on fire suppression water systems.

(4) **DUAL CHECK VALVE DEVICE.** A backflow prevention device comprised of two independently operating, approved check valves, plumbed in series. The device is not testable and is generally installed downstream from a water meter and is used for the containment of single family water services as part of a residential backflow prevention program.

(5) **PRESSURE VACUUM BREAKER ASSEMBLY.** A device containing an independently operating spring loaded check valves and an independently operated spring loaded air inlet valve located on the discharge side of the check valve. The device includes tightly closing shut-off valves on each side of the assembly and two properly located test cocks for the testing of the assembly.

(6) **REDUCED PRESSURE ZONE ASSEMBLY.** An approved, properly functioning assembly containing two, independently operating approved check valves plumbed in series, with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves that discharges to atmosphere. The ASSEMBLY must include four resilient-seated test cocks that are properly located for testing the assembly and two tightly closing shut-off valves located at each end of the assembly.

(7) **REDUCED PRESSURE DETECTOR ASSEMBLY.** An assembly composed of an approved reduced pressure zone backflow prevention assembly with a bypass water meter and meter-sized approved reduced pressure zone device. The meter shall register accurately for very low flow. The water flowing through the meter shall be protected to same level as the water through the main assembly. The check valves shall allow for water to flow through the water meter prior to flowing through the larger assembly. This shall be for the purpose of detecting leaks or usage on fire suppression water systems.

**CERTIFIED BACKFLOW PREVENTION ASSEMBLY TESTER.** Any individual person who holds a certificate of completion from a certified training program in the testing and repair of backflow prevention assemblies and cross-connection control. The certification school must be approved by the Backflow/Cross-Connection ORC for the city and based on the quality of training provided as compared to NC AWWA and NCRWA standards.

**CONSTRUCTION METER.** A water meter assembly that includes a Reduced Pressure Zone backflow preventer for the protection of the potable water system, usually three-fourth's-inch by five- eighth's-inch designated for the purpose of providing temporary waster service for a construction site. It may be set up to take advantage of an existing water connection or be connected to a fire hydrant and shall have a three-fourth's-inch hose bib connection.

**CONTAINMENT.** The prevention of backflow from a non-potable system utilizing an approved, properly functioning backflow prevention assembly which is installed, operated, and maintained in accordance with the provisions of this division.

**CONTAMINATION.** An impairment of the quality of the water to a degree that it creates an actual hazard to the public health through poisoning or through the spread of disease.

**CROSS-CONNECTION.** Any actual or potential connection or piping arrangement between a potable water supply and any other non-potable source or system whereby water or other liquids, mixtures, or substances may flow into or enter the potable water supply system.

**HAZARD (HEALTH/HIGH).** A potential threat of contamination to the public water system or to a water service customer's potable water system that could cause serious illness or death.

**HAZARD (IMMINENT).** An immediate threat of contamination to the public water system that could cause serious illness or death.

**HAZARD (NON-HEALTH/LOW).** An actual or potential threat of damage to the physical components comprising the public water system or to a water service customer's potable water system, or of pollution to the public water system or to a water service customer's potable water system.

**HOMEOWNER.** An individual who resides on the property that he or she owns by proper title and/or deed. The owner-occupant of a home.

**HYDRANT METER.** A water meter designed to be connected to a fire hydrant for the purpose of obtaining water on a temporary basis where no regular water connection is available that will perform the purpose needed. This device should include a Reduced Pressure Zone (RPZ) backflow preventer to protect the potable water system from contamination. This assembly shall be fitted with a two and one-half-inch fire hose connection.

**ISOLATION.** The prevention of backflow in which a backflow preventer, such as a hose bib or an atmospheric vacuum breaker, is located to correct a cross-connection at a specific location on a private potable water system rather than at a water service connection. This protects the drinking water in the building and is covered by the State Plumbing Code.

**OWNER.** Any person who has legal title to, or license to operate or inhabit in, a property upon which a cross-connection inspection is to be made or upon which a cross-connection is present.

**POLLUTION.** An impairment of the quality of the potable water to a degree that does not create a hazard to public health but that does adversely and unreasonably affect the aesthetic qualities of such potable water for domestic use.

**POTABLE WATER.** Water from any source which has been approved for human consumption by the State of North Carolina, Department of Environmental Quality, Water Resources Division, and the Public Water Supply Section.

**PERSON.** Any individual, partnership, company, public or private corporation, political subdivision or government agency or any other legal entity.

**PRIVATE WATER SYSTEM.** Any water system located on the water service customer's premise, whether supplied by public potable water or an auxiliary water supply. The SYSTEM or SYSTEMS may be either a potable water system or an industrial piping system.

**PUBLIC WATER SYSTEM.** The potable water system owned and operated by the city. This includes all storage tanks, distribution mains, lines, pipes, connections, fixtures and other facilities, conveying potable water from the water treatment plants to the service connections of each water service customer.

**SERVICE CONNECTION.** The terminal end of a service connection from the public potable water system, immediately after the water meter, (e.g., where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the water service customer's private water system).

**USED WATER.** Any water supplied by a water purveyor from a public potable water system to a water service customer's private water system after it has passed through the point of delivery and is no longer under the control of the water purveyor.

**WATER SERVICE CUSTOMER.** Any person, firm, or corporation receiving water from the City by way of a water service connected to the city's public water system.

**WATER PURVEYOR.** Owner or operator of a public potable water system providing approved potable water supply to the public.

**WATER SUPPLY (AUXILIARY).** Any water supply on or available to the water customer's premises other than the water purveyor's public potable water system. The auxiliary water may include water from another purveyor's public potable water system or any natural source such as a well, spring, river, stream, etc., and used or objectionable.

**WATER SUPPLY (UNAPPROVED).** Any water supply, which has not been approved for human consumption by the State of North Carolina, Department of Environmental Quality, Water Resources Division, or the Public Water Supply Section.

(Ord. passed 6-19-18; Am. Ord. passed 1-21-20)

## § 15-50 RESPONSIBILITY.

### (A) Responsibility of the city.

(1) The city's designated ORC will be primarily responsible for preventing any contamination or pollution of the public water system. This responsibility begins at the point of origin of the public water system supply and includes all of the public water distribution system, and ends at the service connection, under the Safe Drinking Water Act. The Backflow/Cross-Connection ORC shall exercise vigilance to ensure that the water customer has taken the proper steps to protect the public potable water system.

(2) When it has been determined by an inspection of the water service customer's private water system that a backflow protection system is required for the protection of the public water system, the Backflow/Cross-Connection ORC shall notify the owner, in writing, of any such building or premises, to correct within a time set by this division, any plumbing installed or existing that is in violation of this division.

(3) The Backflow/Cross-Connection ORC Administrator will select an approved backflow prevention assembly type to be installed at the service connection. The owner shall be notified that the installation of a backflow prevention assembly may create a closed system, and as a result thermal expansion may occur. In these circumstances the owner must understand and assume all liability and responsibilities for that phenomenon.

### (B) Responsibility of the water service customer.

(1) The water service customer has the responsibility of preventing contaminants and pollutants from entering the water service customer's private water system or the public water

system operated by the City. The water service customer, at his or her own expense, shall install, operate, test, repair and maintain all backflow prevention assemblies specified within this division.

(2) If a water service customer is a tenant and does not maintain the private water system, and has no authority to bring the system into compliance with the provisions of this division, the city may assert any available action against the tenant water service customer to assure the private water system is brought into compliance with this division.

(Ord. passed 6-19-18)

#### § 15-51 RIGHT OF ENTRY; AUTHORIZATION.

(A) Any authorized representative from the city shall have the right to enter any building, structure or premises during normal business hours to perform any duty imposed upon him/her by this division and in accordance with the North Carolina Administrative Code. Those duties may include sampling and testing of water, or inspection and observation of all piping systems connected to the public water supply. Refusal to allow these representatives to enter for these purposes shall result in disconnection of water service.

(B) On request, the water service customer shall furnish to the water purveyor any pertinent information regarding the water supply system on such property where cross-connection and backflow are deemed possible.

(Ord. passed 6-19-18; Am. Ord. passed 1-21-20)

#### § 15-52 LAW; UNPROTECTED CROSS-CONNECTION PROHIBITED.

(A) No water service connection to any private water system shall be installed or maintained by the city unless the water supply is protected as required by this division and in accordance with the North Carolina Administrative Code. Service of water to any premises shall be discontinued by the city if a backflow prevention assembly required by this division, is not installed, tested and maintained, or if a backflow prevention assembly has been removed, bypassed or if an unprotected cross-connection exists on the premises. Service will be restored after all such conditions or defects are corrected.

(B) No water service customer shall allow an unprotected cross-connection to be made or to remain that involves the water service customer's private water system.

(C) No connection shall be made to an unapproved auxiliary water supply unless the public water supply is protected against backflow by an approved backflow prevention assembly, appropriate to the degree of hazard.

(D) No interconnection to any other water purveyor's water system shall be made unless it is protected against backflow by an approved backflow prevention assembly.

(E) No water service customer shall fail to maintain in good operating condition any backflow prevention assembly, which is part of the water service customer's private water system and is required by this division.

(F) No water service customer shall fail to submit to the city any records, which are required by this division.

(Ord. passed 6-19-18; Am. Ord. passed 1-21-20)

#### § 15-53 INSTALLATION.

(A) Installation and testing requirements.

(1) The purpose of this section is to require that when a hazardous cross-connection to the city public water system has been identified, all water flowing from the public water system into that private water system, must flow through an approved backflow prevention assembly. Furthermore, each backflow prevention assembly must be properly located, installed, tested, and maintained per the city requirements so that the backflow prevention assembly is effective in protecting the public water system from any possible contamination or pollution.

(2) The installation or replacement of a backflow prevention assembly for domestic water, irrigation, commercial and industrial use shall only be performed by a licensed plumber, utility contractor or homeowner. The installation or replacement of a backflow prevention assembly on a dedicated fire sprinkler service shall only be performed by a licensed fire sprinkler contractor. All backflow prevention assemblies shall be tested and repaired by a certified backflow prevention assembly tester authorized by the city.

(3) For premises existing prior to the start of this program, the Backflow/Cross-Connection ORC and Building Official will perform evaluations and inspections of plans and/or premises and inform the owner by letter of any corrective action deemed necessary.

(4) All new and change of use construction plans and specifications which will receive service from the city public water system shall be made available to the Backflow/Cross-Connection ORC for review, approval, and to determine the degree of hazard, and any required backflow prevention assembly to be installed.

(5) All facilities zoned commercial or industrial that have existing water services with the city and requesting certificate of occupancy from the City or County Planning and Zoning offices, whether for new construction or change of use, shall be inspected for compliance of backflow prevention and cross-connection control. Any facility not having backflow protection or changing the degree of hazard shall be brought into compliance before the Backflow/Cross-Connection ORC may release the certificate of occupancy.

(6) The Backflow/Cross-Connection ORC will determine if a water service customer must install a backflow prevention assembly, and provide the water service customer with a letter of notification and list of approved licensed plumbers. Any unapproved backflow prevention assembly must be replaced, with an approved backflow prevention assembly, within a time period set by the Backflow/Cross-Connection ORC.

(a) The following time periods shall be set forth for the installation of the specified backflow prevention assemblies:

1. For new construction, no water meter will be installed by the City until the proper backflow prevention assembly is installed, tested, and approved; and

2. For a change of use/change of ownership, no water service will be activated by the city until the proper backflow prevention assembly is installed, tested and approved.

(b) The existing facility evaluation compliance schedule is as follows:

Health hazard 60 days

(c) The testing and repair compliance schedule is as follows:

Failure to repair or replace failed a backflow prevention assembly 14 days

Failure to test backflow prevention assembly by anniversary date 30 days

(d) If an imminent hazard or an unreasonable threat of contamination or pollution to the city's public water system is detected, the Backflow/Cross-Connection ORC may require the installation of the required backflow prevention assembly immediately, or within a shorter time period than specified above. If installation is not completed within the specified time period, or if contamination is presently occurring, water service may be immediately disconnected in order to protect the potable water system and public health.

(7) All backflow prevention assemblies must be installed and maintained on the water service customer's premises as part of the water service customer's private water system at or near the service connection and before the service line is connected to any other pipes except as authorized by the Backflow/Cross-Connection ORC.

(8) If it has been determined that a backflow prevention assembly cannot be installed at the meter service, due to Zoning or DOT Right-of-Way, an approved backflow prevention assembly must be installed before any branch of plumbing that is installed between the service meter and the service backflow prevention assembly.

(9) Any branch of plumbing installed on the private water system that may be subject to a greater hazard than the supply line, (example: irrigation systems or pump systems, and the like) shall be protected with the appropriate backflow prevention device, as determined by the Backflow/Cross- Connection ORC.

(10) Approved backflow prevention assemblies: Meets American Society of Sanitary Engineers (ASSE) standard and carries ASSE seal or is on the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research (USC FCCHR) approval list. Must also meet the NC State Plumbing Code. Also see the current revision of the city's Backflow Assemblies Specification sheets.

(11) Any water service customer installing any backflow prevention assembly must provide the following information to the Backflow Administrator:

(a) Owner's name and address;



- (b) Service address where assembly is installed;
  - (c) Description of assembly's location;
  - (d) Date of installation;
  - (e) Size of assembly;
  - (f) Type of assembly;
  - (g) Manufacturer;
  - (h) Model number;
  - (i) Serial number; and
  - (j) Test results/reports.
- (12) [Reserved].

(13) Each backflow prevention assembly that is required must function properly at time of installation. Each water service customer will be required to maintain, and repair each assembly required as part of their private water system. Testing shall be done immediately following installation of any backflow prevention assembly prior to receiving a CO (certificate of occupancy) and triennial thereafter. The owner, at their own expense, shall have a certified backflow prevention assembly tester conduct the tests and forward the results to the city within ten business days.

(14) If an assembly needs to be repaired it must be re-tested immediately following any repairs. The owner at their own expense shall have a certified backflow prevention assembly tester conduct tests and forward the results to the city. A complete duplicate copy of any testing and/or repair shall be sent to the Backflow/Cross-Connection ORC within ten business days of completion of test or repair. Each water service customer must maintain a complete copy of test or repair for no less than six years. All test and repair records must be maintained on forms approved by the Backflow/Cross- Connection ORC.

(15) All rubber components must be replaced every six years in every backflow prevention assembly or as often as needed, according to manufacturer's directions and components condition.

**(B) Installation location requirements.**

(1) Backflow prevention assemblies must be located in a place where it is readily accessible for regular testing, maintenance, repair and inspection. Any customer's water service that is critical and cannot be shut down for testing or maintenance shall install parallel backflow prevention assemblies in order to maintain the continuity of water flow for testing and repair; or in the case of the assembly failing. Bypass lines parallel to a backflow prevention assembly shall have an approved backflow prevention assembly that is equal to that on the main line.

(2) (a) No backflow preventer shall be installed in a manner by which it is subject to freezing. All above-ground backflow preventers shall be installed in an ASSE standard 1060 "freeze retardant" enclosure with a minimum R value of 8.0. All above-ground backflow preventers shall be installed with permanent piped electrical service to a thermostatically

controlled heater or heat tape. Backflow for lawn irrigation systems may be installed with unions and an upstream shut off valve not subject to freezing. All underground piping must be installed a minimum of 12 inches below grade and must meet the requirements of underground water service piping.

(b) For reduced pressure zone assembly (RPZ), the following shall apply:

1. Above-ground outdoor installation is preferred and encouraged;
  2. Below-ground and indoor installations are strongly discouraged and shall only be allowed in special cases as approved by the Backflow/Cross-Connection ORC. The vault shall have positive drainage with adequate gravity drainage to atmosphere to accommodate for the maximum discharge of the relief valve(s) on the assembly(s) and must be in a location where no portion of assembly can become submerged at any time or under any circumstances or conditions;
  3. Twelve inches minimum and a maximum of 36 inches clearance from vault floor and a minimum of 24 inches clearance from a wall or another fixture for the purpose of testing and repair;
  4. No vertical installation unless USC FCCHR approvals allow otherwise;
  5. Installation in accordance with manufacturer's recommendations;
  6. Located where it is readily accessible for regular testing, maintenance, and inspection;
- and
7. Must be in a location where no portion of assembly can become submerged at any time under any circumstances or conditions.

(3) For double check valve assembly (DCVA), the following shall apply:

- (a) Above-ground outdoor installation is preferred and encouraged;
- (b) Below-ground installation is strongly discouraged, and shall only be allowed in special cases as approved by the Backflow/Cross-Connection ORC. The vault shall have positive drainage with adequate gravity drainage to atmosphere and must be in a location where no portion of assembly can become submerged at any time or under any circumstances or conditions;
- (c) Twelve inches minimum and a maximum of 36 inches clearance from vault floor and a minimum of 24 inches clearance from a wall or another fixture for the purpose of testing and repair;
- (d) Vertical or horizontal installation acceptable with USC FCCHR approvals;
- (e) Installation in accordance with manufacturer's recommendations; and
- (f) Located where it is readily accessible for regular testing, maintenance, and inspection.

(4) For air gaps (AG), the following shall apply:

- (a) Above-ground installation only; and

(b) Must be in a location where no portion of assembly can become submerged at any time under any circumstances or conditions

(Ord. passed 11-19-24)

§ 15-54 DEGREE OF HAZARD.

(A) Determination.

(1) No service shall be approved until the Backflow/Cross-Connection ORC has been provided with information or has surveyed the private water system to determine the degree of hazard and decides the type of backflow prevention assembly to be installed to protect the city public water supply.

(2) Any water service customer, making any modification to the private water system's use or configuration, which may change the degree of hazard, shall notify in writing the Backflow/Cross- Connection ORC before any modification is made. If the Backflow/Cross-Connection ORC determines that such modification requires a greater degree of backflow prevention assembly, that assembly must be installed prior to any modification of use or configuration.

(3) If the Backflow/Cross-Connection ORC or his or her designee is unable to survey any portion of a private water system to determine the degree of hazard, due to confidential activities, a reduced pressure zone assembly will be required.

(B) Degree of hazard.

(1) HEALTH HAZARD. Actual or potential threat of contamination that presents an imminent danger to the public health with consequence of serious illness or death.

(2) NON-HEALTH HAZARD. One that presents foreseeable and significant potential for pollution, nuisance, aesthetically objectionable or other undesirable alterations of the city's public drinking water supply.

(C) Minimum backflow prevention assembly requirements.

(1) Minimum requirements for backflow prevention are as follows:

(1) Degree of Hazard

Degree of Hazard:	RPZ or RPDA	DCVA or DCDA	AG
Health hazard	X		X

Non-health hazard		X	
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Notes:

AG = Airgap

DCVA = Double check air valve assembly

DCDA = Double check detector assembly (fire protection systems w/o chemicals or pumps)

RPZ = Reduced pressure zone assembly

RPDA = Reduced pressure detector assembly (fire protection systems with chemicals or pumps)

(2) High Hazard Facilities that require a backflow prevention assembly:

- a. Lawn sprinkler systems with chemical injection or booster pump
- b. Wastewater treatment plants
- c. Connection to an unapproved water system or unapproved auxiliary water supply
- d. Connection to tanks, pumps, lines, steam boilers or vessels that handle sewage,
- e. lethal substances, toxic or radioactive substances
- f. Fire sprinkler systems with booster pump facilities or chemical additives
- g. Buildings with five or more stories above ground level
- h. Hospitals and other medical facilities
- i. Morgues, mortuaries and autopsy facilities
- j. Metal plating facilities
- k. Bottling plants (subject to back pressure)
- l. Canneries
- m. Battery manufacturers
- n. Exterminators and lawn care companies
- o. Chemical processing plants
- p. Dairies
- q. Film laboratories

- r. Car wash facilities
- s. Dye works
- t. Laundries
- u. Swimming pools
- v. Waterfront facilities

(3) (a) Filling of tanks/tankers or any other container from a city fire hydrant is strictly prohibited unless it has been equipped with the proper meter and approved backflow prevention assembly. The city will issue a permit for this tank/tanker or container. Any unauthorized connection to a fire hydrant is considered an illegal cross-connection to the city's public water system and will be subject to penalties as set forth in the Fee Schedule.

(b) Exemption: All fire apparatuses are exempt from the backflow prevention requirements only if fighting fire or training. If training they are asked to notify the city's Backflow ORC. However, if fire apparatus has been used to haul non-potable water, it is to be cleaned and re-certified prior to connecting to a city fire hydrant.

(c) All double check valve assemblies installed on irrigation systems prior to 2020 shall be allowed to remain in service until they fail and can longer be repaired. At that time, they shall be evaluated for degree of hazard.

(4) (a) If it has been determined a water service customer's private water system has an imminent hazard, the water service customer must install an approved backflow prevention assembly specified by the Backflow/Cross-Connection ORC and this division.

(b) This assembly must be installed within 24 hours of notification from the Backflow/Cross-Connection ORC. If the water service customer fails to install the specified assembly within the allowed time period, water service to the water service customer's private water system will be terminated and the water service customer may be subject to civil penalties.

(c) In the event the Backflow/Cross-Connection ORC is unable to notify the water service customer within 24 hours of determining an imminent hazard exists, the Backflow/Cross-Connection ORC may terminate water service until the specified assembly is installed. These actions may be carried out under the Safe Drinking Water Act.

(Ord. passed 6-19-18; Am. Ord. passed 1-21-20)

#### § 15-55 NOTICE OF CONTAMINATION OR POLLUTION.

(A) In the event the water service customer's private water system becomes contaminated or polluted the water service customer shall immediately notify the Backflow/Cross-Connection ORC or the Distribution Superintendent.

(B) In the event the water service customer has reason to believe that a backflow incident has occurred between the water service customer's private water system and the public water system the water service customer shall immediately notify the Backflow/Cross-Connection ORC or the Distribution Superintendent so that appropriate actions can be taken to isolate and remove the contamination or pollution.

(Ord. passed 11-19-24)

## § 15-56 VIOLATIONS AND CIVIL PENALTIES.

### (A) Notification of violation.

(1) A written notice will be presented to any water service customer who has been found to be in violation of any part of this division.

(2) This first notice must explain the violation and give the time period within which the violation must be corrected.

(3) A second notice will give 30 additional days to correct all violations as required by this division.

(4) A third notice will be a civil penalty allowing 15 more days to comply before the penalties begin.

(5) In the event a water service customer found to be in violation of this division fails to correct the violation within the specified time or, fails to pay any civil penalties expense assessed under this division, water service will be terminated.

### (B) Civil and other penalties.

(1) Unprotected cross-connection involving a private water system, which is of a health hazard: \$1,000 per day, not to exceed \$10,000.

(2) Unprotected cross-connection involving a tank/tanker or other container hooked to a fire hydrant: \$1,000 per occurrence.

(3) Unprotected cross-connection involving a private water system, which is of a non-health hazard: \$500 per day, not to exceed \$5,000.

(4) (a) Any violation of the requirements and prohibitions of this division including failure to address an unprotected cross connection is hereby declared a public nuisance and shall be corrected or abated as directed by the requirements of this division.

(b) Any person(s) creating a public nuisance or failing to abate such shall be subject to the provisions of Chapter 6 Article II, "Nuisances," governing such nuisances, including reimbursing the city for any costs incurred in removing, abating or remedying said nuisance.

(5) Tester submitting false records which are required by this division: \$1,000. This will also result in removal of the tester from the approved testers list. Notification of the school where the

tester was certified and the tester's behavior shall be reported to the North Carolina Division of Water Resources.

(6) Failure to submit records which are required by this division: \$500.

(7) Failure to test or maintain backflow prevention assemblies as required by this division: \$100 per day, up to and including termination of water service.

(Ord. passed 6-19-18; Am. Ord. passed 1-21-20)

APPROVED, ADOPTED AND EFECTIVE, this 19<sup>th</sup> day of November, 2024.

CITY OF EDEN

BY:

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Neville Hall, Mayor

ATTEST:

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Deanna Hunt, City Clerk



## MEMORANDUM

**To:** Honorable Mayor and City Council

**Thru:** Jon Mendenhall, City Manager

**From:** Dusty Curry, Operations Superintendent and Tammie B. McMichael,  
Director of Finance and Personnel

**Date:** November 19, 2024

**Subject:** Waste Management – Third Amendment to Agreement

The City of Eden contracts with Waste Management of Carolinas, Inc. to provide dumpster service to commercial customers. Please find attached a Third Amendment to Agreement.

Staff recommends that Council approve the Third Amendment to the agreement.



THIRD AMENDMENT TO AGREEMENT  
BETWEEN  
THE CITY OF EDEN, NORTH CAROLINA  
AND  
WASTE MANAGEMENT OF CAROLINAS, INC.

THIS THIRD AMENDMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2024, to the Agreement dated March 15, 2016, as amended on June 18, 2019, (collectively the “Agreement”) by and between the City of Eden, North Carolina, a North Carolina municipal corporation (the “City”), and Waste Management of Carolinas, Inc., a North Carolina corporation (the “Contractor”).

WHEREAS, the City and Contractor desire to amend the Agreement to extend the term and to document Contractor’s compensation during the extended term;

NOW, THEREFORE, the City and Contractor agree as follows:

1. Term. The language in the Agreement regarding the term is hereby amended as follows:

The term of the Agreement shall be extended from July 1, 2025, through June 30, 2030. Thereafter, the term of the Agreement shall automatically extend for additional terms of two (2) years each unless one party advises the other of its desire to terminate the Agreement at the end of the then current term at least sixty (60) days before end of the current term. There shall be no termination for convenience right for either party. In no event shall the total term of this Agreement extend beyond that allowed by applicable state law.

2. Compensation. The rates to be paid Contractor as compensation for the services described in the Agreement shall remain at current rates until July 1, 2028. Effective July 1, 2028, the rates shall be as set forth in Exhibit “A” which is attached hereto and incorporated herein.

Effective July 1, 2028, and each July 1 thereafter during the term of this Agreement, the rates shall be adjusted to reflect changes in the C.P.I. for the most recently available twelve-month period. For purposes of this Agreement, C.P.I. shall mean the Consumer Price Index for Water, Sewer, and Trash CPI, Not Seasonally Adjusted, All Areas, (WST CPI) as published by the U.S. Department of Labor. There shall be no cap on the amount of the C.P.I. adjustment.

Additionally, the City shall be responsible for any and all increases in the rate of disposal and/or processing which occur after July 1, 2025.

3. Modification of Agreement. Except as expressly set forth herein or as necessary to carry out the terms of this Amendment and the Agreement, no amendment of the terms of the agreement is intended hereby and the Agreement and all its terms and conditions shall remain in full force and effect.

4. Entirety. This Amendment is hereby incorporated into the Contract and together therewith they contain the entire Agreement between the parties as to the matters contained therein. Any oral representations or modifications concerning this Agreement shall be of no force and effect.

IN WITNESS WHEREOF, the parties hereto have set their hands as of this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF EDEN

ATTEST:

By: \_\_\_\_\_

By: \_\_\_\_\_

WASTE MANAGEMENT OF CAROLINAS, INC.

ATTEST:

By: Michael P. [Signature]  
Authorized Representative

By: Jay Jones

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

\_\_\_\_\_  
Signature finance officer

	PER MTH	PER MTH	PER MTH	PER MTH	PER MTH	PER MTH	PER MTH	ON CALL	PER MTH
Container Size / Type	EOW	1XWK	2XWK	3XWK	4XWK	5XWK	RENTAL	EXTRA PU	LOCKBAR
4 Yard FEL Container	\$36.04	\$72.35	\$144.70	\$217.06	\$289.44	\$361.79	\$14.56	\$42.60	\$8.88
6 Yard FEL Container	\$54.06	\$108.54	\$217.06	\$325.60	\$434.14	\$542.66	\$17.00	\$42.60	\$8.88
8-Yard FEL Container	\$72.09	\$144.70	\$289.44	\$434.14	\$578.85	\$723.56	\$19.43	\$42.60	\$8.88
8-Yard Cardboard Container	\$102.49	\$163.44	\$326.87	\$0.00	\$0.00	\$0.00	\$0.00	\$42.12	\$8.88

### Contractor Billings to Commercial Customers

If the customer's container is overloaded, overage snapshot fees will be charged at \$175.00 per occurrence along with trip charges and relocation charges. Each occurrence will provide a snapshot photo view of the overloaded container.

If the customer's recycling cardboard container is contaminated with non-recyclable trash, contamination fees will be charged at \$175.00 per occurrence along with trip charges and relocation charges. Each occurrence will provide a snapshot photo view of the contaminated container.

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**CITY OF EDEN – MEMORANDUM**

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**TO:** HONORABLE MAYOR AND CITY COUNCIL

**THRU:** JON MENDENHALL, CITY MANAGER

**FROM:** ERIN GILLEY, CITY ATTORNEY, KELLY STULTZ, PLANNING AND COMMUNITY DEVELOPMENT

**DATE:** NOVEMBER 7, 2024

**SUBJECT:** PROPERTY PURCHASE

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City Staff has identified 10.22 acres of property in the Bear Slide area, known as the naturalistic area along the Bear Slide Bluff, owned by Rockingham Community College that would be necessary and beneficial for the City for sewer maintenance purposes, storm drainage access, siphon access and greenway extension. Improving access to the sewer lines and siphon would provide quicker response to problems and reduces chances of overflows and environmental disasters. The City is in the process of applying for a BRIC Grant for these updates, wherein the purchase of this property would serve as a match for the money obtained in the grant.

Based upon the foregoing, City staff obtained an appraisal for the property. The appraisal amount is more than 50% below the tax value. City staff offered the appraisal price of \$36,800 to the

As a result, the Community College has executed a deed to the City for the property. Staff recommends that you approve this purchase for the infrastructure maintenance and greenway purposes stated above at your November City Council meeting. Please contact me if you should have any questions or concerns.



# Planning and Inspections Department

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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, Manager  
**From:** Kelly K. Stultz, AICP, Director  
**Subject:** **Leaksville Community Development  
Block Grant-Neighborhood Revitalization**  
**Date:** November 7, 2024

The City of Eden, like other non-entitlement cities in North Carolina, competes for funding through the Community Development Block Grant Program. This funding can be used for housing rehabilitation, clearance, relocation, infrastructure improvements and recreational improvements, water and sewer projects and economic development projects. All of these various kinds of projects are designed to offer assistance to low- and moderate-income residents of our community.

We have received a grant in the amount of \$950,000 for a portion of the Leaksville area. The project will be for housing rehabilitation. This particular grant cycle does not require matching funds from the City.

We are required by the Department of Commerce to adopt a set of policies and procedures in order to receive the funding. The City has adopted these same documents for every other CDBG we have received from the State. There is nothing new in them.

If you have any questions, please do not hesitate to contact me.

**CITY OF EDEN, NORTH CAROLINA**  
**2023 CDBG NEIGHBORHOOD REVITALIZATION (CDBG-NR) PROGRAM**

**GRANT #22-C-4120**

**Resolution Approving Administrative Guidelines and Policies**

WHEREAS, the City of Eden wishes to carry out its 2023 Community Development Block Grant Neighborhood Revitalization (CDBG-NR) Program in accordance with established state and federal administrative guidelines.

NOW, THEREFORE, the City of Eden City Council hereby collectively adopts the following resolutions, guidelines, plans and policies, and resolves that they be utilized during the administration of the City of Eden 2023 CDBG-NR Program:

1. Project Budget Ordinance
2. Financial Management Resolution
3. Housing Assistance Policy
4. Housing Construction Contract Award Policy
5. Citizen Participation Plan
6. Residential Anti-displacement and Relocation Assistance Plan
7. Local Jobs Initiative (Section 3) Plan
8. Temporary Relocation Policy
9. Code of Conduct
10. Fair Housing Policy
11. Excessive Force Policy
12. Procurement Standards Policy/Plan
13. Equal Opportunity Plan
14. Language Assistance Plan (Providing Meaningful Communication with Persons with Limited English Proficiency)
15. Recipient's Plan to Further Fair Housing

Adopted this 19th day of November 2024.

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Neville Hall, Mayor

ATTEST:

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Deanna Hunt, City Clerk

**CITY OF EDEN 2023 CDBG NEIGHBORHOOD REVITALIZATION (CDBG-NR) PROGRAM GRANT  
#22-C-4120**

**Project Budget Ordinance**

Be it ordained by the City of Eden, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1. The project authorized is the 2023 Community Development Block Grant Neighborhood Revitalization (CDBG-NR) Program described in the work statement contained in the grant agreement and funding approval (Grant #22-C-4120) between the City of Eden and the North Carolina Department of Commerce, Rural Economic Development Division. This project is more familiarly known as the City of Eden 2023 CDBG-NR Program.

Section 2. The City of Eden staff is hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the Department of Commerce, and the budget contained herein.

Section 3. The following revenues and resources are anticipated to be available to complete the project activities:

2023 Community Development Block Grant Neighborhood Revitalization (CDBG-NR) Project

Total Grant Award	<u>\$950,000</u>
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Section 4. The following amounts are appropriated for the project activities:

2023 Community Development Block Grant Neighborhood Revitalization (CDBG-NR) Project

Project Budget	<u>\$950,000</u>
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Section 5. The Grant Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the North Carolina Department of Commerce required by the grant agreement(s) and federal and state regulations.

Section 6. Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should be made to the North Carolina Department of Commerce in an orderly and timely manner.

Section 7. The Grant Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Grant Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this Board.

Section 9. Copies of this grant project ordinance shall be made available to the Grant Finance Officer for direction in carrying out this project.

Adopted this 19th day of November 2024.

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Neville Hall, Mayor

ATTEST:

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Deanna Hunt, City Clerk



**CITY OF EDEN 2023 CDBG NEIGHBORHOOD REVITALIZATION (CDBG-NR) PROGRAM GRANT  
#22-C-4120**

**Financial Management Resolution**

WHEREAS, the City of Eden has received Community Development Block Grant Neighborhood Revitalization (CDBG- NR) funding in the amount of \$950,000; and

WHEREAS, the North Carolina Administrative Code regulations require that the City designate a Grant Finance Officer and a depository for CDBG-NR funds;

NOW, THEREFORE, the City of Eden City Council hereby resolves the following:

- (1) Tammie McMichael, City of Eden Finance Director, will serve as Grant Finance Officer, and will be responsible for financial management of the program according to the requirements of the North Carolina Administrative Code and North Carolina General Statute requirements.
  
- (2) Home Trust Bank in Eden, NC, is hereby designated as the official depository for revenues budgeted for the CDBG-NR Programs.

Adopted this 19<sup>th</sup> day of November 2024.

\_\_\_\_\_  
Neville Hall, Mayor

ATTEST:

\_\_\_\_\_  
Deanna Hunt, City Clerk

**CITY OF EDEN 2023 CDBG NEIGHBORHOOD REVITALIZATION (CDBG-NR) PROGRAM GRANT  
#22-C-4120**

**Housing Assistance Policy**

The following information is designed to serve as the basis for administrative policies, guidelines, and procedures necessary to effectively establish a CDBG Neighborhood Revitalization (CDBG-NR) Program for the City of Eden. As is the case with all new programs, certain alterations, amendments, and additions to these guidelines may be required as the program is implemented. Review of these guidelines is encouraged to maintain consistent administrative quality. The administrative personnel, consultant, and the City staff members responsible for program administration should become completely familiar with the contents of the pages which follow.

I. SELECTING AND PROCESSING APPLICANTS

Before a successful housing improvement program involving the use of grants can begin operation, many administrative and policy decisions must be made. These decisions should be made with the benefit of input from the residents of the City of Eden.

The applicant outreach and application rating process for the City of Eden 2023 CDBG-NR Program was conducted by City staff with support from the City Council, and at the two required public hearings for the proposed projects. The City wishes to provide rehabilitation assistance to low-to-moderate income owners. A distribution plan including an objective, competitive rating system based on basic eligibility criteria (income threshold/ownership), housing need, and special population was developed.

The City has recommended provision of CDBG-NR rehabilitation assistance to "scattered site" beneficiaries based on income, ownership, special population, and severity of housing needs criteria. Selected units will be further examined for income verification, field assessments, and eligibility requirements once the project is funded to determine their final status for assistance.

The following outlines the applicant screening/prequalification process that the City of Eden utilized to select the households who will receive rehabilitation assistance under the CDBG Neighborhood Revitalization program:

- Application/Field Assessments: Lists of recently submitted applications for housing assistance from prior outreach efforts that were either ineligible or had not been funded for other programs were reviewed for possible inclusion in the CDBG-NR programs. Also, the City published an advertisement in the Greensboro News Record newspaper and posted it on the City's website, requesting interested households to submit applications for housing assistance. Households that met preliminary income and ownership criteria were then visited by City staff to conduct the Income and Needs Survey, including the housing assessment to determine the condition of the house and obtain preliminary cost estimates.

- Income Verifications: Applications provided “self-certification” of income/assets during the application phase. During the program implementation, the City will utilize HUD 2024 low-to-moderate income (LMI) guidelines for assessment of household income. The City will require written documentation of public benefits, payroll information, or submittal of 2023/2024 tax return information if available. The City will include adjusted (AGI) wage and benefit income for the head of household, spouse, and other non-transient (i.e., regular contributors to household expenses) household members 18 years of age and above. Business income for self-employed individuals will be verified through income tax records and include net profits as well as wages paid to household members.
- Definitions:
  - Elderly: An individual aged 62 or older.
  - Disabled: A disabled individual is any person who has a physical or mental disability that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment, in accordance with 24CFR92.2.
  - Household Member: Any individual who is an occupant of the unit to be rehabilitated shall be considered a "household member" (enumerated for household size and subject to income verification).
  - Occupant: An occupant is defined as any immediate family member (mother, father, spouse, son, daughter of the head of household, regardless of time of occupancy); or a non-immediate family member who has resided in the dwelling unit at least six months of the twelve-month period prior to the homeowner's application date.
- The application rating system functioned as follows:

Preliminary Rating: As full applications were received, they received preliminary rating according to the following points table:

<u>Income Categories</u>	<u>Points</u>
<i>Income &gt;80% of median income</i>	<i>Not Eligible</i>
<i>Income 51-80% of median income</i>	<i>3</i>
<i>Income 31-50% of median income</i>	<i>5</i>
<i>Income ≤30% of median income</i>	<i>7</i>
<u>Special Population Goals</u>	<u>Points</u>
<i>Elderly (62 or above) Individual in Household</i>	<i>5</i>
<i>Disabled Individual in Household</i>	<i>5</i>
<u>Eligibility Requirements</u>	
<i>Homeowner Not Owner of Record</i>	<i>Not Eligible</i>

Final Rating: The City used the NC Small Cities CDBG Gradient Housing Needs Form to evaluate the housing needs of the highest-rated applications received following preliminary review as outlined above. Units were rated according to the points system identified below:

<u>Housing Needs Factors - Replacement Units</u>	<u>Points</u>
1. 0-3 Severe Systems	2
2. 4 Severe Systems	4
3. 5 or More Severe Systems	6
4. Severe Water Need	3
5. Severe Sewer Need	3

- The City will request an attorney to complete preliminary title opinions for primary beneficiaries to verify that applications for units to be repaired are filed by the owner of record. Once title opinions are received, recipients will be given up to 60 days to resolve title problems such as multiple heirs or liens that would prohibit a final award (recipients will be referred to legal services organizations that provide voluntary assistance to low-income households).
- If the City decides to withdraw a preliminary award following reassessment as noted above, the most competitive applicant from the alternate award list (within treatment and budget parameters) will be given consideration for a CDBG-NR grant.
- When housing assistance final awards have been made by the City of Eden City Council, owners will be contacted and asked to execute the Promissory Note, Deed of Trust, and other preconstruction documents.

## II. DWELLING UNIT INSPECTIONS

Inspections of each dwelling unit eligible for housing assistance will be made by the City's CDBG consultant. The inspections will include a determination of substandard conditions, as summarized in a deficiencies checklist, as well as agency-required lead-based paint inspection and risk assessment for units to be rehabilitated. Owners of deteriorated units will also be given the opportunity to fill out a deficiencies checklist, and will receive a lead-based paint hazard information package. Inspections will identify repairs that should be made to place the unit in a standard condition according to North Carolina Small Cities CDBG Rehabilitation Standards.

## III. CONVENTIONAL REHABILITATION STANDARDS

- A. *General*: All units proposed for conventional rehabilitation assistance will be rehabilitated to the North Carolina Small Cities CDBG Housing Rehabilitation Standards and will conform to the most recent NC State Residential Building Code requirements and all applicable locally enforced codes, ordinances, permitting, and inspection requirements. No completed units will retain any imminent threats to the health or safety of their occupants or to their structural integrity. Additionally, the City will utilize rigorous rehabilitation construction standards, to be clearly outlined in a

Contractor's Handbook, to ensure that universal design standards (accessibility modifications, fire prevention, proper ventilation, vapor barrier installation, etc.) are maintained and that all contractors are utilizing standard, code-approved materials for structural, finish, electrical, plumbing, and HVAC work. HUD Model Residential Property Rehabilitation Standards will be utilized to compute living area requirements and bathroom requirements for all households, regardless of size.

- B. *Lead Hazard Reduction:* All units constructed before 1978 will be subject to federal lead-based paint regulations. At the time of initial interview, the City's consultant housing inspector will follow procedures outlined in 24CFR35, HUD's "Requirements for Notification, Evaluation, and Reduction of Lead-Based Paint Hazards in Federally-Owned Residential Property and Housing Receiving Federal Assistance," and appropriate updated guidelines issued by the Rural Economic Development Division. All case work for these units will include risk assessment, lead testing, and interim controls/abatement as required by 24CFR35.

The City has budgeted temporary relocation funds to be utilized to house beneficiaries during lead hazard reduction or substantial rehabilitation when necessary as well as additional funds to handle displacement costs, furniture storage, etc. The City will adopt a temporary relocation policy consistent with federally mandated relocation procedures outlined in 49CFR24 as a guide for providing temporary relocation assistance during this program. The City will use community resources and phase lead hazard abatement to minimize relocation costs.

OSHA (29CFR1926) and EPA-recommended worker safety, on-site containment, and clean-up procedures will be included in the work specifications and will be thoroughly covered at contractors' meetings prior to rehabilitation work. Off-site disposal will be closely coordinated with local and state solid waste management personnel, and a written disposal procedure will be developed and included in the rehabilitation specifications. The City will also insist that its housing rehabilitation consultant be certified as an inspector for lead hazards through a state-accredited certification course.

- C. *Rehab Design for Disabled Beneficiaries:* The City will utilize an accessibility deficiencies checklist during preparation of the work write-up to ensure that the North Carolina State Building Code Volume 1-C Accessibility Code requirements for new construction are met when handicapped individuals occupy units to be rehabilitated. Also, the City will contact the Independent Living Rehabilitation Program's regional office prior to rehabilitation of units occupied by disabled individuals, to obtain assistance with design of accessibility modifications and possible grant assistance.

- D. *Flood Hazard Areas:* Any units located in the special flood hazard area will be rehabilitated to comply with locally enforced flood damage prevention statutes and FEMA flood insurance guidelines. Prior to inspection, the City will perform flood elevation surveys of any units located in the special flood hazard area. If finish floor elevations are determined to be below the 100-year flood elevation, the City will raise the floor elevation, if structurally and financially feasible.

Regardless of the resolution of the floor elevation issue, flood insurance will be procured for all units located in the 100-year floodplain.

#### IV. CONSTRUCTION QUALITY/MAINTENANCE

A. *Construction Guidelines:* The project Contractor's Handbook is hereby incorporated into this Housing Assistance Policy by reference. The general provisions included in the Contractor's Handbook shall serve as the general guidelines for all rehabilitation and reconstruction work performed during the CDBG-NR Program. The Specifications included in the Contractor's Handbook shall serve as the standard quality of workmanship. The Contractor's Handbook stresses the application of universal design standards during housing construction work. The handbook outlines standard installation procedures for ventilation systems, accessibility modifications, vapor barrier installation, weatherstripping, new bathroom installation, etc. Copies of the Contractor's Handbook will be made available at the City community development office for review by program applicants, grant recipients, and interested citizens.

B. *Bidding and Construction Process:* The inspection consultant will prepare work write-ups and cost estimates and coordinate the construction bidding, award, and inspection process for the owners. Work specifications, general contract provisions, and write-ups will be distributed at contractors' meetings which contractors will be required to attend in order to bid. The City maintains an active list of prequalified contractors and will publish notices of contractors' meetings/requests for bids in local newspapers.

The City will require the inspection consultant to make biweekly inspection visits to each unit under construction, to approve changes in the scope of work, to summarize for the Project Manager on-site findings in written form, and to verify that finished construction meets program standards. In addition, the local code enforcement official will make regular inspection visits and will provide the Project Manager with a certificate of compliance/occupancy for each completed unit. All material and workmanship will be guaranteed by the contractor for a period of one year from the date of completion of work.

C. *Homeowner Maintenance Measures:* During implementation of the project, the City will develop a post-construction checklist for review with all owners to make sure that owners are satisfied with construction and that they understand utility operation and costs. Additionally, all occupants of dwellings to be rehabilitated/replaced will be referred to the local NC Cooperative Extension Service for available routine home maintenance courses or workshops.

D. *Insurance:* In order to ensure that rehabilitated/reconstructed units are insured against fire damage following completion of the rehabilitation contract or replacement housing process, the City will utilize CDBG-NR funds to purchase fire insurance to cover the replacement value of the structure for one year following completion of the housing construction contract. Coverage will be provided either as a new policy from a local insurance provider when no coverage exists or as a supplementary policy from the owner's current provider. Additionally, during the pre-construction



conference with the homeowner, the need for homeowners to continue fire insurance coverage beyond the one-year CDBG-NR-financed subsidy period will be emphasized. The City will secure/upgrade flood insurance policies (one-year) for all units located in the 100-year floodplain with program support funds as well.

V. MAXIMUM REHABILITATION GRANT LIMITATIONS

The City expects to provide CDBG-NR rehabilitation assistance to owner-occupied dwelling units, assuming average rehabilitation costs fall below the maximum limits allowed by the CDBG-NR application guidelines (\$72,000 or \$70.00 per square foot of heated, occupiable space). If bids exceed the maximum allowable limits, the rehabilitation units will be rebid. If bids still exceed the maximum allowable limits, then REDD approval to exceed the limits will be obtained prior to issuing contracts/beginning construction.

VI. REHABILITATION GRANT ELIGIBILITY CRITERIA

- A. All rehabilitation housing subsidies will be provided to households with incomes between 0-80% of the Rockingham County median income adjusted for appropriate household size.
- B. All housing assistance beneficiaries must be owner-occupant households who reside within the boundaries of the City of Eden.
- C. The owner(s) of any unit to be rehabilitated must be able to legally execute an Amortized Loan/Deferred Payment Loan Deed of Trust/Promissory Note following formal award of a housing assistance grant and prior to execution of a Contract for Housing Construction Work.
- D. The Amortized Loan/DPL Deed of Trust shall be for the full amount of the CDBG-NR grant assistance, except for special conditions involving multiple owners outlined below. The agreement shall be recorded immediately following execution of the note. Additionally, the deed of trust/promissory note shall be modified if the final contract cost exceeds the original contract cost.

VII. HOUSING ASSISTANCE GRANT AWARDS

Housing assistance grant awards will be approved by the Director of Planning & Community Development if potential grantees meet the grant eligibility and limitation requirements outlined herein.

VIII. REGULATIONS PERTAINING TO ACCESSORY BUILDINGS

Non-residential accessory buildings located on the same lot as a dwelling unit approved for a rehabilitation grant are ineligible for rehabilitation. Grant monies may be applied to the demolition of such substandard structures, but in no instance for their rehabilitation. An accessory building for the purpose of the CDBG-NR Program guidelines is defined as follows:

*A detached subordinate structure operated and maintained under the same ownership and located on the same lot as the main building. No such building may*

*be inhabited or used by anyone other than the owners, lessee, or tenant of the premises or their employees.*

The demolition of substandard accessory buildings may be required by the City as a part of the rehabilitation grant. Grant monies, if the owner's application is approved, may be used to rehabilitate the dwelling unit and demolish all substandard accessory buildings at the same time.

IX. TEMPORARY RELOCATION BENEFITS

The Director of Planning & Community Development is authorized to approve temporary relocation payments to owner-occupants who are forced to vacate their dwellings during rehabilitation or prior to provision of a comparable replacement dwelling following demolition on a case-by-case basis, if such assistance is recommended by the Program Manager/Administrator. Such temporary relocation shall be accomplished at the minimum feasible cost and in accordance with the City of Eden CDBG-NR Program Temporary Relocation Policy. Temporary relocation payments will be limited to cover only those expenses that would not otherwise be normal to the relocatee. Approval of temporary relocation assistance for rent, motel charges, temporary storage, etc., will be made only upon submittal of cost-effective procurement documentation and invoice documentation by the Project Manager.

Adopted this 19<sup>th</sup> day of November 2024.

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Neville Hall, Mayor

ATTEST:

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Deanna Hunt, City Clerk

**CITY OF EDEN 2023 CDBG NEIGHBORHOOD REVITALIZATION (CDBG-NR) PROGRAM GRANT  
#22-C-4120**

**Housing Construction Contract Award Policy**

During the performance of housing rehabilitation, demolition, and replacement housing activities included in the City of Eden 2023 CDBG Neighborhood Revitalization (CDBG-NR) Program, the City will utilize the following guidelines in the award of contracts to contractors who bid on the rehabilitation/reconstruction or demolition of specific dwelling units:

- 1) The City shall reserve the right to reject bids and rescind contract awards if one of the following conditions has not been met:
  - a. The Contractor must have turned in all required forms, credit report, references, etc., with his bid.
  - b. The Contractor must have references and a past working record acceptable to the Project Manager prior to the Project Manager's recommendation of award.
  - c. The Contractor must have demonstrated the ability to meet the performance criteria established in the Instructions to Bidders and the Contract for Housing Construction Work.
  - d. The Contractor must have demonstrated the ability to meet standards of workmanship outlined in the Contractor's Handbook as witnessed by the Project Manager.
- 2) Assessment of conditions 1(c) and 1(d) above shall be based on the Project Manager's review of Contractor references and work performed in other locations, if the Contractor has not performed recent rehabilitation, demolition, or replacement housing work for the City of Eden.
- 3) If construction estimates are prepared, no contract award shall be made if the contract price is less than 85% or more than 115% of the Project Manager's or Construction Manager's final estimate. The Project Manager will document negotiation of bids and/or estimates before contract awards are made.
- 4) In a case where an individual contractor is performing adequately but is the low bidder on more houses than can be completed within 120 days following the bid opening (based on past performance), the City of Eden shall reserve the right to reject bids for those surplus houses and award those housing construction contracts to the next lowest bidders meeting the guidelines outlined herein, in the interest of efficient completion of housing construction activities. The City also reserves the right to reject bids and award contracts to alternate bidders in the interest of maintaining an efficient work schedule consistent with performance standards mandated by the funding agency.

- 5) The City of Eden reserves the right to rescind contract awards made prior to contract execution if circumstances beyond the control of the City, including directives by the funding agency or homeowner's non-participation, prohibit the City's participation in the contract as Owner's Representative.
- 6) Any action, either restrictive or affirmative, taken under these guidelines shall be in the interest of an efficiently-managed CDBG-NR program, and will be without self-interest on the part of any member of the City of Eden City Council or City staff; and furthermore, shall be without regard to race, creed, sex, color, or national origin.
- 7) The Director of Planning & Community Development is hereby authorized to approve all contract awards and change orders and to execute all documents for housing rehabilitation, replacement housing, and/or demolition contracts.

Adopted this 19th day of November 2024.

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Neville Hall, Mayor

ATTEST:

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Deanna Hunt, City Clerk

**CITY OF EDEN 2023 CDBG NEIGHBORHOOD REVITALIZATION (CDBG-NR) PROGRAM GRANT  
#22-C-4120**

**Citizen Participation Plan**  
Rural Economic Development Division  
North Carolina Department of Commerce

**Grantee:** City of Eden

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**Recipient's Address:** 308 East Stadium Drive, Eden, NC 27288

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**Contact Person:** Kelly Stultz

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**Contact Email:** kstultz@edennc.us

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**Contact Phone #:** (336) 623-2110

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**TDD#:** Relay North Carolina TT#1-800-735-2962

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*The primary goal of the Citizen Participation Plan is to provide citizens, especially low and moderate income citizens of the community where CDBG-funded activities will take place, an opportunity to participate in an advisory role in the planning, implementation, and assessment of the programs and projects.*

*The Citizen Participation Plan is required by Section 104(a)(2) of the Housing and Community Development Act and by regulations at 24 CFR 570.486(a)(6).*

*The plan is vitally important to the success of CDBG-funded activities undertaken by local governments. Compliance with the plan reduces the number of legal challenges and citizen complaints against the local government recipient.*

**1. INTRODUCTION**

The City of Eden has designed this community-wide Citizen Participation Plan to provide for and encourage citizen participation in the Community Development Block Grant (CDBG) programs. This Plan is an essential element of the City's present and future community development process and has been developed to comply with the regulations and requirements of the CDBG program as administered by the North Carolina Department of Commerce – Rural Economic Development Division (REDD) and the Department of Housing and Urban Development (DHUD).

The primary goal of this Citizen Participation Plan is to provide all citizens of the community with adequate opportunity to participate in an advisory role in the planning, implementation, and assessment of the City's CDBG program(s). The Plan sets forth policies and procedures for citizen participation, which are designed to maximize the opportunity for citizen participation in the community development process. Special emphasis has been placed on encouraging participation by persons of low and moderate incomes, residents of blighted neighborhoods, and residents of areas where community development funds are utilized.

Citizens are encouraged to participate in all phases of the CDBG program(s) and will be provided full access to program information. However, final responsibility and authority for the development and implementation of CDBG program(s) will lie with the City.

## 2. SCOPE OF PARTICIPATION

The City will make reasonable efforts to provide for citizen participation during the community development process and throughout the planning, implementation, and assessment of all CDBG program(s) undertaken by the City. Local officials will make every effort to involve citizens in all phases of the development, implementation, and assessment of community development programs including, but not limited to, the following phases:

- a. identification and assessment of housing and community development needs; determination of CDBG project(s) and documentation; and the development of CDBG application(s);
- b. changes and/or amendments to approved CDBG projects; and
- c. assessment of CDBG program performance.

All phases of the community development process will be conducted by local officials in an open manner. Citizens of the City are encouraged to participate at all levels and will be given access to program information during each phase of any CDBG program as outlined herein.

## 3. CITIZEN PARTICIPATION CONTACT PERSON

Kelly Stultz, Director of Planning & Community Development, has been designated Citizen Participation Coordinator by the City of Eden City Council and will serve as the contact person for all matters concerning citizen participation activities. This person shall be responsible for overseeing citizen participation throughout the community development process and the implementation of all citizen participation activities and functions, except those which may be specifically delegated to other parties by this Plan.

The specific duties and responsibilities of the Citizen Participation Coordinator shall include, but not necessarily be limited to: disseminating information concerning proposed projects and the status of current project activities; coordinating various groups which may be participating in the community development process; receiving written comments; serving as a vehicle by which ideas, comments, and proposals from local residents may be transmitted to local officials and/or program staff; and monitoring the citizen participation process and proposing such amendments to the Citizen Participation Plan as may be necessary.

The Citizen Participation Coordinator may be contacted at the City of Eden City Hall, 308 East Stadium Drive, Eden, NC, at (336) 623-2110 during regular business hours. All questions concerning citizen participation in the community development process should be addressed to the Citizen Participation Coordinator.

## 4. TECHNICAL ASSISTANCE

The City of Eden staff shall provide technical assistance to individual citizens and citizen groups, especially those groups representative of persons of low or moderate income, as may be required to adequately provide for citizen participation in the planning, implementation, and assessment of CDBG program(s).

Such technical assistance is intended to increase citizen participation in the community development decision making process and to ensure that such participation is meaningful. Technical assistance shall also be utilized to foster public understanding of CDBG program requirements.

Technical assistance shall be provided on request and may include, but not necessarily be limited to: interpreting the

CDBG program and its rules, regulations, procedures and/or requirements; providing information and/or materials concerning the CDBG program; and assisting low and moderate income citizens and residents of blighted neighborhoods to develop statements of views, identify their needs, and develop activities and proposals for projects which, when implemented, will resolve those needs.

Technical assistance may be obtained by contacting the Citizen Participation Coordinator.

## 5. PUBLIC HEARINGS

Citizen participation in the community development process will be conducted on a community-wide basis and will actively involve the views and proposals of all citizens, especially low and moderate income persons and residents of areas where CDBG activities are proposed or ongoing.

Public hearings will be held during all phases of the community development process, as outlined herein, to allow citizens to voice opinions and offer proposals concerning the development and performance of CDBG programs. Local officials will respond to questions and proposals from citizens at each public hearing. Any questions that citizens may have concerning a program will be answered and their comments, suggestions, and/or proposals will be received. Citizens may also express comments and views concerning the community development process or any specific CDBG project to the governing body at any regularly scheduled meeting.

### *5.1 Public Hearing Times and Locations*

All public hearings will be held at times and locations which will be accessible to all citizens, especially persons of low and moderate incomes, and residents of blighted neighborhoods and CDBG project areas.

Public hearings will be scheduled for convenient times as determined by the City. Public hearings may be held at any site which, in the opinion of the City, provides adequate access for citizen participation.

Hearings will normally be held at the City of Eden City Hall Council Chambers, 308 East Stadium Drive, Eden, NC, unless an alternate location is specified. This site is centrally located and generally accessible to all citizens. This building is also accessible to persons with disabilities. Hearings may, however, at the option of the City, be held at an alternate location to be specified in the public hearing notice(s).

### *5.2 Application Public Hearings*

One public hearing shall be held during any CDBG program fiscal year prior to the submission of an application to REDD for CDBG assistance. The primary purposes of the public hearing shall be to assess community needs and problems in an effort to determine the most critical needs to be addressed by the CDBG program and to present for public comment and review the program activities which have been selected by the City to resolve the identified needs.

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An application public hearing will be held during the initial stage of program development to discuss items regarding



community development and housing needs, the CDBG program, and the application process. The objective of citizen participation at this stage is to provide meaningful, community-wide citizen input into the decision-making process during the assessment of community needs and the consideration of priorities and options associated with the development and submission of a CDBG application. Local officials will also entertain proposals and comments from citizens concerning community development activities at this hearing.

This hearing will normally serve to discuss and review the information appropriate for all applications submitted by the City during any fiscal year. Additional changes in community development or housing needs in the community as determined by local officials can be addressed by a community meeting where citizens can share their comments prior to the submission of other CDBG applications late in the fiscal year.

Citizens will be provided with information concerning the CDBG program at this public hearing. Such information shall include, but not necessarily be limited to: the goals and objectives of the CDBG program; the total amount of CDBG funds available for the fiscal year and for the funding round; the role of citizens in program planning, implementation, and assessment; the range of activities which may be undertaken; the process to be followed in developing a CDBG application; a statement that 100 percent of the CDBG funds will be used to benefit low-to-moderate income people; the schedule of meetings and hearings; location where the application can be reviewed; activities previously funded in the City through the CDBG program; an identification of projects which could result in the relocation of area residences or businesses and the actions that would be undertaken if such relocation were necessary; and provision of contact information such as address, telephone number, and dates for submitting complaints or grievances by citizens. Furthermore, the effectiveness of the Citizen Participation Plan in allowing citizen participation in the community development process and potential changes and/or amendments to the Plan shall also be discussed at this meeting.

The City may, at the option of local officials, review multiple CDBG project applications at one hearing when more than one application is to be submitted during the same fiscal year. Each such hearing shall be held prior to, and in preparation for, the application's approval by the City.

A second objective of citizen participation during this stage is to inform citizens of the proposed project activities to be included in a CDBG application(s) and to solicit comments from citizens concerning these activities.

Citizens attending this hearing will be provided with information concerning the CDBG project(s) proposed including, but not necessarily limited to: the project application(s) to be submitted and the applicable CDBG fund; specific project activities to be included; the location of the project activities; the approximate cost estimate for the proposed activities; the estimate of local match required; the impact of the project on low and moderate income persons; and the approximate application submittal date.

### **5.3 Amendment Public Hearings**

The City will assure the opportunity for citizen participation during the implementation of any CDBG program(s) when changes to the project are under consideration by the City. Citizen participation shall be obtained and considered in any amendments to a CDBG program which involves changes in dollar amount spent on any activity, changes in program beneficiaries, changes in the location of approved activities, addition to or deletion of project activities, and major budget shifts between approved activities.

hearing on all formal amendments which require Rural Economic Development Division approval. For “local” amendments and changes for which REDD approval is not required, input from citizens concerning changes or amendments will be received at regularly scheduled City meetings where such changes or amendments are considered.

#### **5.4     *Assessment of Performance Public Hearings***

Citizens of the City will be provided with the opportunity to comment on the performance of local officials, the City staff, consultants, engineers, and contractors, and the actual use of CDBG funds during the implementation of a CDBG program. Citizens will also be requested to assess the performance of the City in resolving identified community development and housing needs and in achieving its community development goals and objectives. Ongoing community assessment of the effectiveness of the community development process is considered essential to the success of the CDBG program.

At the conclusion of each CDBG project, a public hearing will be held to review program activities and to assess program performance. This hearing shall be held prior to the submission of the Closeout Performance Report and any other required closeout documents to REDD for a CDBG project. This hearing will be used to ensure community-wide participation in the evaluation of the CDBG program.

#### **5.5     *Additional Hearings***

Other public hearings may be held as deemed necessary by the City in order to inform citizens of community development project(s) and activities, and to solicit citizen opinions and comments. All additional hearings shall comply with the requirements set forth in this Plan.

#### **5.6     *Limited English Proficiency Residents***

The City has followed the guidance provided in the Language Access Plan to determine the need to undertake reasonable actions to facilitate the participation of persons with Limited English Proficiency. Local officials will undertake all reasonable actions necessary to allow such persons to participate in the community development process. Such actions may include the provision of an interpreter and/or the provision of materials in the appropriate language or format for persons with Limited English Proficiency.

#### **5.7     *Public Hearing Notice***

Notice of public hearings must be published in a local newspaper of general circulation in a non-legal section of the paper at least ten (10) days prior to the hearing date but no more than 25 days prior to the meeting date. Each notice of a hearing shall include the time, date, place, and topics and procedures to be discussed.

#### **5.8     *Accessibility to Low and Moderate Income Persons***

The public hearing procedures outlined herein are designed to promote participation by low and moderate income citizens as well as residents of blighted neighborhoods and CDBG project areas in any public hearing(s). Local officials may take additional steps to further promote participation by such groups or to target program information

to these persons should officials feel that such persons may otherwise be excluded or should additional action be deemed necessary. Activities to promote additional participation may include posting of notices in blighted neighborhoods and in places frequented by low and moderate income persons and holding public hearings in low and moderate income neighborhoods or areas of existing or proposed CDBG project activities.

#### 5.9 *Accessibility to Persons with Disabilities*

The locations of all public hearings as described herein shall be made accessible to persons with disabilities. The City shall provide a sign language interpreter whenever the Citizen Participation Coordinator is notified in advance that one or more deaf persons will be in attendance. The City shall provide a qualified reader whenever the Citizen Participation Coordinator is notified in advance that one or more visually impaired persons will be in attendance. Additionally, the City shall provide reasonable accommodations whenever the Citizen Participation Coordinator is notified in advance that one or more persons with mobility or developmental disabilities will be in attendance.

### 6. PROGRAM INFORMATION

Citizens will be provided full access to CDBG program information during all phases of a CDBG project. Local officials of the City shall make reasonable effort to assure that CDBG program information is available to all citizens, especially those of low and moderate incomes and those residing in blighted or Limited English Proficiency neighborhoods and/or CDBG project areas.

To facilitate citizen access to CDBG program information, the Citizen Participation Coordinator will keep all documents related to a CDBG program on file in the City of Eden City Hall, 308 East Stadium Drive, Eden, NC. Information from the project files shall be made available for examination and duplication, on request, during regular business hours. CDBG program information and materials concerning specific CDBG projects will be available and distributed to the public at the regularly scheduled public hearings as outlined in this Plan. Furthermore, information concerning any CDBG project will be available at regularly scheduled City Council meetings where the program is discussed.

Materials to be made available shall include, but are not necessarily limited to: the Citizen Participation Plan; records of public hearing; mailings and promotional materials; prior CDBG program applications; letters of approval; grant agreements; the environmental review record; financial and procurement records; project design and construction specifications; labor standards materials; performance and evaluation reports; other reports required by the REDD and/or the DHUD; proposed and approved CDBG program application(s) for the current year or project; written comments or complaints received concerning the community development program and written responses from the City; and copies of the applicable Federal and State rules, regulations, policies, requirements and procedures governing the CDBG program.

In no case shall the City disclose any information concerning the financial status of any program participant(s) which may be required to document program eligibility or benefit. Furthermore, the City shall not disclose any information which may, in the opinion of the City Manager, be deemed of a confidential nature.

### 7. PROCEDURES FOR COMMENTS, OBJECTIONS AND COMPLAINTS

The public hearings scheduled, as described in this Citizen Participation Plan, are designed to facilitate public participation in all phases of the community development process. Citizens are encouraged to submit their views and proposals on all aspects of a community development program at the public hearings. However, to ensure that citizens are given the opportunity to assess and comment on all aspects of the community development program on a continuous basis, citizens may, at any time, submit written comments or complaints to the City.

Any citizen or citizens' group desiring to comment or object to any phase of the planning, development or approval of the application for CDBG funds, or to the implementation of any CDBG program, should submit such comments or objections in writing to the Mayor. Should, after a reasonable period, a party believe that his/her comment or complaint has not been properly addressed or considered by the Mayor, then the aggrieved party may appeal his/her case to REDD.

Local officials shall make every effort to provide written responses to citizen proposals or complaints within fifteen (15) working days of the receipt of such comments or complaints where practicable. Should the City be unable to sufficiently resolve an objection or complaint, it may be forwarded by the aggrieved party to REDD.

Citizens may, at any time, contact REDD and/or DHUD directly to register comments, objections, or complaints concerning the City's CDBG application(s) and/or program(s). Citizens are encouraged, however, to attempt to resolve any complaints at the local level as outlined above prior to contacting REDD or DHUD.

All comments or complaints submitted to REDD or DHUD shall be addressed in writing to:

NC Department of Commerce  
Rural Economic Development Division  
4346 Mail Service Center  
Raleigh, North Carolina 27699-4346

**OR**

U.S. Department of Housing and Urban Development  
Community Planning and Development Division  
Greensboro Field Office  
1500 Pinecroft Road  
Greensboro, NC 27407

Records of all comments, objections and/or complaints by citizens concerning the City's CDBG programs and subsequent action taken in response to those comments shall be maintained on file at the City and shall be made available for public inspection upon request.

## 8. AMENDMENTS

The City may, from time to time, modify the provisions outlined herein through amendment to this Citizen Participation Plan. It shall be the policy of the City to periodically review and discuss the effectiveness of this Citizen Participation Plan in allowing citizen participation in the community development process and in helping to meet the community development needs and goals identified by the citizens of the City. To this end, the effectiveness of the Plan will be discussed at public hearings held in conjunction with the community development programs as discussed herein and potential amendments to the Plan will be reviewed at this time.

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Amendments to the Plan will be made as necessary. All amendments shall be approved by resolution of the City

and shall be incorporated into this Plan.

9. AUTHORITY

No portion of this Citizen Participation Plan shall be construed to restrict the responsibility and authority of the elected officials of the City in the development, implementation, and execution of any Community Development Block Grant program.

Adopted this 19th day of November 2024.

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Neville Hall, Mayor

ATTEST:

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Deanna Hunt, City Clerk

**CITY OF EDEN 2023 CDBG NEIGHBORHOOD REVITALIZATION (CDBG-NR) PROGRAM GRANT  
#22-C-4120**

**Residential Anti-Displacement and Relocation Assistance Plan**

This Residential Anti-Displacement and Relocation Assistance Plan is prepared by the City of Eden, North Carolina, in accordance with the Housing and Community Development Act of 1974, as amended (the “Act”), and HUD regulations at 24 CFR 42.325.

**A. Minimize Displacement**

Consistent with the goals and objectives of activities assisted under the Act, the City of Eden will take the following steps to minimize the direct and indirect displacement of persons from their homes:

- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
- Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.
- If feasible, demolish or convert only dwelling units that are not occupied or vacant occupiable dwelling units (especially those units which are “lower-income dwelling units” (as defined in 24 CFR 42.305).
- Target only those properties deemed essential to the need or success of the project.
- Attempt to locate comparable replacement housing in or near the neighborhood where demolition activities occur to further minimize neighborhood disruption caused by the clearance activities.
- Avoid demolition of occupied severely deteriorated residential structures where possible through substantial rehabilitation as opposed to clearance.
- Rehabilitate vacant, occupiable residential structures as affordable housing for displaced tenants to minimize neighborhood disruption caused by clearance activities.

**B. Relocation Assistance to Displaced Persons**

The City will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under this Program, move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant, will be provided

relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24.

### **C. One-for-One Replacement of Lower-Income Dwelling Units**

The City will replace all occupied and vacant occupiable lower-income dwelling units demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under this Program in accordance with 24 CFR 42.375.

Before entering into a contract committing the City of Eden to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the City will make public by publishing notice in Greensboro News Record newspaper, and submit to the North Carolina Rural Economic Development Division (REDD) the following information in writing:

1. A description of the proposed assisted project;
2. The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of an assisted project;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. *NOTE: See D, below.*
5. The source of funding and a time schedule for the provision of the replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in 24 CFR 42.375(b).

To the extent that the specific location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, the City will identify the general location of such dwelling units on a map and complete the disclosure and submission requirements as soon as the specific data is available.

## Replacement Not Required Based on Unit Availability

Under 24 CFR 42.375(d), the City may submit a request to the State (REDD) for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the area.

### **D. Contacts**

The City of Eden’s Director of Planning & Community Development (336.623.2110) is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period. The City of Eden’s Director of Planning & Community Development (336.623.2110) is responsible for ensuring that relocation payments and other relocation assistance to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use are provided.

Adopted this 19th day of November 2024.

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Neville Hall, Mayor

ATTEST:

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Deanna Hunt, City Clerk



**CITY OF EDEN 2023 CDBG NEIGHBORHOOD REVITALIZATION (CDBG-NR) PROGRAM GRANT  
#22-C-4120**

**Local Jobs Initiative (Section 3) Plan  
Local Economic Benefit for Low- and Very Low-Income Persons  
October 1, 2024 – September 30, 2027**

I. APPLICATION AND COVERAGE OF POLICY

The City of Eden is committed to the policy that, to the greatest extent possible, opportunities for training and employment should be given to lower income residents of the community development project area and contracts for work in connection with federally assisted community development projects should be awarded to business concerns located or owned in substantial part by persons residing in the Section 3 covered area, as required by Section 3 of the Housing and Urban Development Act of 1968. The City has developed and hereby adopts the following Plan.

The City will comply with all applicable provisions of Section 3 of the Housing and Urban Development Act of 1968, as amended (24 CFR Part 135), all regulations issued pursuant thereto by the Secretary of Housing and Urban Development and all applicable rules and orders of the Department issued thereunder.

This Section 3 covered project area for the purposes of this grant program shall include the City and portions of the immediately adjacent area.

The City will be responsible for implementation and administration of the Section 3 plan. In order to implement the City's policy of encouraging local residents and businesses to participate in undertaking community development activities, the City will follow this Section 3 plan which describes the steps to be taken to provide increased opportunities for local residents and businesses.

This Section 3 Plan shall apply to services needed in connection with the grants, including but not limited to, businesses in the fields of planning, consulting, design, building construction/renovation, maintenance and repair, etc.

When in need of a service, the City will identify suppliers, contractors, or subcontractors located in the Section 3 area. Resources for this identification shall include the Minority Business Directory published through the State Department of Commerce, local directories, and Small Business Administration local offices. Word-of-mouth recommendation shall also be used as a source.

The City will include the Section 3 clause and this plan in all contracts executed under these Community Development Block Grant (CDBG) Programs. Where necessary, listings from any agency noted above shall be included as well as sources of subcontractors and suppliers. The Section 3 Plan shall be mentioned in the pre-bid meetings and preconstruction meetings.

The prime contractor selected for major public works facility or public construction work will be required to submit a Section 3 Plan which will outline his/her work needs in connection with the project. Should a need exist to hire any additional personnel, the Rockingham County Employment Security Commission and/or NC Works local office shall be notified and referred to the contractor.

Each contract for housing rehabilitation under the program, as applicable, for jobs having contracts in excess of \$100,000 shall be required to submit a Section 3 Plan. This Plan will be maintained on file in the grant office and shall be updated from time to time or as the grant staff may deem necessary.

Early in the project, prior to any contracting, major purchases or hiring, the City will develop a listing of jobs, supplies, and contracts likely to be utilized during the project. The City will then advertise the pertinent information regarding the project including all Section 3 required information. The City will send the bid information to the Rural Economic Development Division (REDD) in order for REDD to distribute information through its list-serve notification.

## II. AFFIRMATIVE ACTIONS FOR RESIDENT AND BUSINESS PARTICIPATION

The City will take the following steps to assure that low-income residents and businesses within the community development project area and within the City/County are used whenever possible:

- List jobs through the NC Historically Underutilized Business (HUB) Office;
- Refer potential employees and businesses to various state and local agencies for development and training assistance;
- Place qualified residents and businesses on solicitation lists;
- Assure that residents and businesses are solicited whenever they are potential sources of contracts, services, or supplies.

The City will place a display advertisement in the local newspaper containing the following information:

- i. A brief description of the project.
- ii. A listing of jobs, contracts, and supplies likely to be utilized in carrying out the project.
- iii. An acknowledgement that under Section 3 of the Housing and Community Development Act, local residents and businesses will be utilized for jobs, contracts, and supplies in carrying out the project to the greatest extent feasible.
- iv. A location where individuals interested in jobs or contracts can register for consideration.
- v. A statement that all jobs will be listed and hiring will be done through the local office of the North Carolina Employment Security Commission; a statement that all contracts will be listed with the North Carolina Division of Purchase and Contracts; and a statement that potential employees and businesses may seek development and training assistance through various state and local agencies, for which the City will maintain a list for individuals and business concerns inquiring information.

Low-income residents and businesses will be informed and educated regarding employment and procurement opportunities in the following ways:

- i. Advertisement in the local newspaper.
- ii. Posting of Section 3 Plan at the Eden City Hall.
- iii. City Council meetings when project activities and schedules are discussed.
- iv. Notification to other agencies that provide services to low-income people.

The City will, to the greatest extent feasible, utilize lower income area residents as trainees and employees:

1. Encourage rehabilitation contractors to hire local area residents;
2. Encourage public works contractors to hire local area residents.

The City will, to the greatest extent feasible, utilize businesses located in or owned in substantial part by persons residing in the area, and will:

1. Contract with local contractors to perform demolition activities and housing rehabilitation activities.
2. Encourage public improvement contractors to hire local residents for site clearance work, hauling materials, and performing other site improvements.
3. Encourage all contractors to purchase supplies and materials from the local hardware and supply stores.

### III. RECORDS AND REPORTS

The City will maintain such records and accounts and furnish such information and reports as are required under the Section 3 regulations and will permit authorized representatives of REDD and federal agencies access to books, records, and premises for purposes of investigation in connection with a grievance or to ascertain compliance with this Section 3 Plan.

The City shall report annually the Section 3 numbers using the form HUD 60002 to REDD at the end of the calendar year as part of the Annual Performance Report (APR).

### IV. MONITORING COMPLIANCE

The City may require each applicable contractor to provide a copy of the Section 3 Plan and will monitor compliance during the performance of the contract. Copies of all advertisements, notices, and published information will be kept to document the implementation of the plan.

### V. COMPLAINTS CONTACT

In case of any complaint received from the general public with regard to Section 3 compliance, the main contact is:

Kelly Stultz, Director of Planning & Community Development  
308 East Stadium Drive  
Eden, NC 27288  
Telephone: (336) 623-2110, Email: [kstultz@edennc.us](mailto:kstultz@edennc.us)

Adopted this 19th day of November 2024.

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Neville Hall, Mayor

ATTEST:

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Deanna Hunt, City Clerk

**CITY OF EDEN 2023 CDBG NEIGHBORHOOD REVITALIZATION (CDBG-NR) PROGRAM GRANT  
#22-C-4120**

**Temporary Relocation Policy**

WHEREAS, the City of Eden has been awarded a 2023 CDBG Neighborhood Revitalization (CDBG-NR) Program Grant; and,

WHEREAS, temporary relocation payments and assistance are approved activities under the CDBG-NR Program Funding Agreements for households who receive conventional rehabilitation, lead-based paint abatement, and on-site housing replacement (reconstruction) assistance; and,

WHEREAS, the City of Eden wishes to provide temporary relocation assistance and moving assistance to households temporarily displaced as a result of conventional rehabilitation, lead-based paint abatement, and on-site replacement (reconstruction) housing;

NOW, BE IT THEREFORE RESOLVED:

The City of Eden City Council hereby adopts the following temporary relocation policy, to be used during implementation of the 2023 CDBG-NR Programs:

A. INTENT OF POLICY

Under the 2023 CDBG-NR Programs, the City of Eden plans to carry out certain activities that will improve the living environment of the affected participants. This policy information applies to any homeowner who is required to temporarily relocate as a result of carrying out conventional rehabilitation, lead-based paint abatement, or on-site replacement (reconstruction) housing activities under the programs.

It is the intent of this policy to enable a homeowner to receive limited assistance when renting a temporary housing unit. This assistance is offered to help address the financial burden that is often associated with temporary relocation. The low to moderate income homeowner families and individuals that this Policy is designed for will be offered this assistance only if they are required to temporarily relocate as a result of the project.

B. HOMEOWNER REPLACEMENT HOUSING

If any of the project activities require a homeowner to be temporarily relocated, the homeowner will receive a notice informing him/her of the date by which the unit must be vacated and approximate duration of the temporary relocation. Homeowners may be eligible to receive the moving benefits and temporary housing expenses offered in Section C. of the policy if the homeowner moves to a temporary unit that is decent, safe and sanitary, and suitable for the needs of the household. Therefore, even though a homeowner may seek his/her own replacement housing, an agreement to temporarily rent a dwelling should not be entered into

until the unit has been inspected and approved by a member of City's staff or designated building inspection official.

C. TEMPORARY REPLACEMENT HOUSING ASSISTANCE - HOMEOWNER

In general, the temporary replacement housing assistance for homeowners, subject to participation in the City's rehabilitation/reconstruction programs, is as follows:

Moving Benefits

1. Actual moving expenses and storage costs paid to a bonded and licensed moving company for the move to the temporary housing unit. The City of Eden will provide the mover.
2. Actual moving expenses costs paid to a bonded and licensed moving company for the return move to the homeowner's housing unit. The City of Eden will provide the mover.
3. A homeowner shall be reimbursed for the disconnection and connection costs for the homeowner's utilities, telephone, and cable (if required) for the move to the temporary unit and for the return move to the homeowner's housing unit.

Temporary Housing Expenses

A homeowner may be reimbursed for actual reasonable documented rent and utilities (electric, water/sewer, and gas) incurred at the temporary replacement dwelling.

In order for a homeowner to receive reimbursement of the Temporary Housing Expenses, the temporary replacement dwelling must be inspected and approved by a member of the City's staff (or building inspection official if designated) as decent, safe and sanitary, and adequate to meet the homeowner's occupancy needs. A premature move may result in loss of eligibility for a temporary housing expense payment.

D. DECENT, SAFE AND SANITARY HOUSING

Housing is to be considered decent, safe, and sanitary housing if it is sound, clean, weathertight, and in standard condition. The unit must have hot and cold running water, a private inside toilet, bathing facilities, and comply with the local housing codes. The unit must also comply with the local occupancy codes to avoid overcrowding.

E. FAIR HOUSING LAWS

If a family or individual is unable to temporarily rent a replacement dwelling because of discriminating practices related to race, color, creed, disability, familial status, or national origin, the form HUD 903, Housing Discrimination Complaint, will be made available to each family or individual so aggrieved.

The City of Eden will take positive action to assist each family and individual in completing the form and filing the complaint. The City staff will help assure a family or individual the full opportunity to relocate to a temporary dwelling provided for them or to a unit of their choice that meets the required inspection standards.

Adopted this 19th day of November 2024.

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Neville Hall, Mayor

ATTEST:

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Deanna Hunt, City Clerk

**CITY OF EDEN 2023 CDBG NEIGHBORHOOD REVITALIZATION (CDBG-NR) PROGRAM GRANT  
#22-C-4120**

**Policy Concerning Code of Conduct for Officers, Employees or Agents**

BE IT RESOLVED BY THE EDEN CITY COUNCIL:

Section 1: No employee, officer, or agent of the City of Eden shall knowingly solicit or accept any form of gratuity from any person, firm, or organization whereby such gratuity shall in any way persuade or affect the outcome of the award of any contract of which any part is supported by federal funds.

Section 2: No employee, officer, or agent of the City of Eden shall participate in the selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, officer or agent, member of his/her immediate family, his/her partner, or an organization which employs, or is about to employ, any of the above individuals, has a financial or other interest in the firm selected for award.

Section 3: No employee, officer, or agent of the City of Eden shall solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subagreements.

Section 4: If any employee, officer, or agent shall knowingly violate any of the provisions of this policy, such employee, officer, or agent will be subject to such disciplinary measures as may be deemed appropriate by the City of Eden City Council or City Manager including, but not limited to, suspension without pay, demotion, or dismissal.

Section 5: If any contractor or his agent violates any provision of this policy, such violation will constitute grounds for action deemed appropriate by the City Manager including, but not limited to, withdrawal from consideration of any proposal or bid submitted by such contractor, withdrawal of award, or rescission of contract.

This policy shall become effective from and after its adoption by the Eden City Council in an open meeting.

If any part of this policy shall be found to be in conflict with any federal or State of North Carolina law, then that portion of the policy can be amended to comply with the federal or state law without affecting the validity of the other portions.

Adopted this 19th day of November 2024.

\_\_\_\_\_  
Neville Hall, Mayor

ATTEST:

\_\_\_\_\_  
Deanna Hunt, City Clerk

**CITY OF EDEN 2023 CDBG NEIGHBORHOOD REVITALIZATION (CDBG-NR) PROGRAM GRANT  
#22-C-4120**

**Fair Housing Policy**

WHEREAS, the City of Eden desires that the citizens of the City be afforded the opportunity to attain the national objective of a decent, safe, and sound living environment; and

WHEREAS, the City of Eden deplores discrimination in the provision of housing on the basis of race, religion, color, creed, sex, national origin, young children in a family, or handicapping conditions; and

WHEREAS, the City of Eden desires that every citizen be afforded the opportunity to select a home of his or her choice; and

WHEREAS, the City of Eden wishes to ensure that programs and activities undertaken by the City relating to housing and urban development be administered in a manner to affirmatively further fair housing as required by Title VIII of the Civil Rights Act of 1968, as amended; 24 CFR 107, Nondiscrimination and Equal Opportunity in Housing under Executive Order 11063; and the North Carolina State Fair Housing Act, NCGS, Chapter 41A;

NOW, THEREFORE, to accomplish the above, the City does adopt the following procedures for receiving and resolving housing discrimination complaints:

1. Any person or persons wishing to file a complaint of housing discrimination in the City of Eden may do so by informing the Director of Planning & Community Development at (336) 623-2110, or NC Human Relations Commission (984) 236-1919, TDD# (984) 236-1919 (or Relay North Carolina TT# 1-800.735.2962) of the facts and circumstances of the alleged discriminatory act or practice.
2. Upon receiving a housing discrimination complaint, the Director of Planning & Community Development shall inform the North Carolina Human Relations Commission about the complaint within ten (10) calendar days. The City shall then assist the Commission and the complainant in filing an official written housing discrimination complaint with the Commission, pursuant to the State Fair Housing Act and Title VIII.
3. The City of Eden shall offer assistance to the Commission in the investigation and conciliation of all housing discrimination complaints which are based upon events occurring in the City.
4. The Director of Planning & Community Development shall publicize within the City that she is the local official to contact with housing discrimination complaints.

Adopted this 19th day of November 2024.

\_\_\_\_\_  
Neville Hall, Mayor

ATTEST:

\_\_\_\_\_  
Deanna Hunt, City Clerk



**CITY OF EDEN 2023 CDBG NEIGHBORHOOD REVITALIZATION (CDBG-NR) PROGRAM  
GRANT #22-C-4120**

**Excessive Force Policy  
October 1, 2024– September 30, 2027**

The City of Eden hereby adopts an Excessive Force Policy that is in accordance with the applicable State of North Carolina and Federal Regulations, i.e., Section 519 of Public Law 101-144, (1990 HUD Appropriations Act) requiring units of government receiving CDBG funds to adopt and enforce Excessive Force Provision. The City, as the recipient of Federal and/or State CDBG-NR Grant Funds, acknowledges its responsibility to and will adhere to the aforesaid NC State and Federal Excessive Force Regulations.

The use of excessive force is any degree of physical action beyond mere restraint. The use of physical force shall be restricted to the amount of force which is reasonable and apparently necessary to effect a lawful arrest or in defense of self or others.

Striking or any form of restraint in which injury occurs shall be considered use of force. Additionally, the pointing of any firearm directly at any person shall be deemed use of force.

Mere restraint is defined as physically overpowering without striking or using weapons. Scuffling, holding, tackling, etc., may or may not be mere restraint, depending upon the circumstances. Whenever doubt exists as to whether the level of restraint used constitutes use of force, the immediate supervisor will be notified of the incident and will make a determination.

More particularly, the City adopts and will enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any and all individuals engaged in non-violent civil rights demonstrations, and is adopting and will enforce a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstration within the City of Eden.

Adopted this 19th day of November 2024.

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Neville Hall, Mayor

ATTEST:

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Deanna Hunt, City Clerk

**CITY OF EDEN 2023 CDBG NEIGHBORHOOD REVITALIZATION (CDBG-NR) PROGRAM GRANT  
#22-C-4120**

**Procurement Standards Policy/Plan**

**Policy**

The City of Eden will comply with the terms and conditions of Federal and/or State funding that is awarded and accepted, including but not limited to, the terms and conditions of Grant Contract, Title 2 CFR Part 200, and HUD implementing regulations contained in 24 CFR Section 570.489(g) which are incorporated by reference and included herein to the extent of its applicability. The City, as the recipient of Federal and/or State CDBG-NR funds, acknowledges its responsibility to and will adhere to the aforesaid North Carolina State and Federal Procurement Policies.

The City of Eden will, to the extent applicable, follow methods of procurement, procure by contracting with small, minority firms, women's business enterprises, and labor surplus area firms. Additionally, the City will demonstrate contract cost and price awareness and adhere to awarding agency review provisions (Title 2 CFR Appendix II to Part 200 – Contract Provisions for Non-Federal Entity Contracts under Federal Awards).

**Plan**

All procurement of goods and services by the City with CDBG-NR grant funds shall be accomplished in accordance with the regulations of **Procurement Standards**. Where applicable, Recipient shall follow the procurement standards established in the "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" (2 CFR Part 200) and HUD implementing regulations contained in 24 CFR Section 570.489(g), which explicitly prohibit cost plus a percentage of cost and percentage of construction cost methods of contracting. In addition, all purchase orders and contracts shall include any clauses required by Federal Statutes, Executive Orders, and implementing regulations including the Section 3 clause, per 24 CFR 570.489 (g) and 24 CFR 135.38, or the North Carolina General Statutes applying to procurement in general by the North Carolina municipalities and counties.

When the Federal and State regulations are different, the more restrictive regulations shall apply to the procurement in question. Additionally, the City will adhere to the following guidelines during procurement of goods and services with Federal funds:

- In all cases where goods or services are procured on the basis of one bid or proposal received, the City will follow established principles included in OMB Circular A 87 to verify the reasonable cost of the procurement.
- Underutilized businesses, including women-owned and minority-owned enterprises, shall be included on bidders' or professional services' lists maintained by the City, and such firm(s) shall be solicited for all competitive negotiations, small purchases, and informal and formal bids when such firms are potential competitive sources for goods and services.

- The City shall develop a written scope of work for each service to be awarded on the basis of *competitive negotiation*, which shall include descriptions of tasks to be completed, project timetables, and outline of fee proposal requirements. The statement of work shall also include a written selection procedure. All *competitive negotiations* shall be awarded strictly on the basis of written selection procedures, and cost shall not be the sole nor more important factor in selection of services through the use of *competitive negotiations*.
- Prior to any contract award, the City shall verify the contractor's eligibility to participate in a federally-assisted program.
- No consultant or bidder shall assist in the evaluation of proposals or bid packages for contracts in which that consultant or bidder has an indirect or direct interest. The City shall adhere to all applicable Federal and State conflict of interest regulations in making contract awards.
- The City shall request references, or check references, of contractors or firms who are awarded contracts with Federal grant funds and will request a written warranty for all goods and services provided through small purchase requests.
- The City shall not award any contract for federally-assisted projects on a contingency or cost plus percentage of cost basis.

Adopted this 19th day of November 2024.

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Neville Hall, Mayor

ATTEST:

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Deanna Hunt, City Clerk

**CITY OF EDEN 2023 CDBG NEIGHBORHOOD REVITALIZATION (CDBG-NR) PROGRAM GRANT  
#22-C-4120**

**Equal Opportunity Plan**

**A. Equal Housing Opportunity Plan**

*Civil Rights Act of 1964*

The Civil Rights Act of 1964 prohibits all racial discrimination in the sale or rental of property.

*The Fair Housing Act*

The Fair Housing Act declares a national policy of fair housing throughout the United States, making illegal any discrimination in the sale, lease, or rental of housing, or making housing otherwise unavailable, because of race, color, religion, sex, handicap, familial status, or national origin.

*Executive Order 12892, Equal Opportunity in Housing*

Executive Order 12892, as amended (Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing), provides that programs and activities relating to housing and urban development (including any Federal agency having regulatory or supervisory authority over financial institutions) shall be administered in a manner to further affirmatively the purposes of the Act and shall cooperate with the Secretary of Housing and Urban Development, who shall be responsible for exercising leadership in furthering the design and delivery of Federal programs and activities.

The City of Eden shall eliminate housing discrimination and achieve diverse, inclusive communities by leading the City in the enforcement, administration, and public understanding of federal fair housing policies and laws.

The City shall include the Equal Housing Opportunity logo and/or the phrase affirming Equal Opportunity in Housing on all the CDBG-NR documents intended to be shared with the public.

The City shall post in public buildings and the CDBG-NR project area the Equal Housing Opportunity posters and/or additional information the local government has prepared to inform the community with the Equal Housing Opportunity policies and laws.

**B. Equal Employment Opportunity Plan**

The City of Eden maintains the policy of providing equal employment opportunities for all persons regardless of race, color, religion, sex, national origin, handicap, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are *bona fide* occupation qualifications for employment.

In furtherance of this policy, the City prohibits any retaliatory action of any kind taken by any employee of the locality against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding, or investigation of employment discrimination. The City shall strive for greater utilization of all persons by identifying previously underutilized groups in the workforce, such as minorities, women, and the handicapped, and making special efforts toward their recruitment, selection, development, and upward mobility and any other term, condition, or privilege of employment.

Responsibility for implementing equal opportunities and affirmative action measures is hereby assigned to the Director of Planning & Community Development to assist in the implementation of this policy statement.

The City is committed to this policy and is aware that with its implementation, the City will receive positive benefits through the greater utilization and development of all its human resources.

The City shall include the Equal Employment Opportunity logo and/or the phrase affirming Equal Employment Opportunity on all the CDBG-NR documents intended to be shared with the staff and the public.

The City shall obtain commitment from contractors that they will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, handicap, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are *bona fide* occupation qualifications for employment. Contractors will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, national origin, handicap, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are *bona fide* occupation qualifications for employment. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

The City shall obtain commitment from contractors that will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, national origin, handicap, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are *bona fide* occupation qualifications for employment.

Adopted this 19th day of November 2024.

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Neville Hall, Mayor

ATTEST:

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Deanna Hunt, City Clerk

**CITY OF EDEN 2023 CDBG NEIGHBORHOOD REVITALIZATION (CDBG-NR) PROGRAMS  
GRANT #22-C-4120**

**Providing Meaningful Communication with Persons with Limited English Proficiency  
Effective October 1, 2024-September 30, 2027**

*The purpose of this Policy and Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the ground of race, color or national origin by any entity receiving federal financial assistance. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.*

**POLICY:**

In order to avoid discrimination on the grounds of national origin, all programs or activities administered by the **City of Eden** will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in benefits and services for which such persons qualify. This Policy defines the responsibilities the agency has to ensure LEP individuals can communicate effectively.

**DEFINITIONS:**

**Limited English Proficient (LEP) individual** – Any prospective, potential, or actual recipient of benefits or services from the agency who cannot speak, read, write or understand the English language at a level that permits them to interact effectively with health care providers and social service agencies.

**Vital Documents** – These forms include, but are not limited to, applications, consent forms, all compliance plans, bid documents, fair housing information, citizen participation plans, letters containing important information regarding participation in a program; notices pertaining to the reduction, denial, or termination of services or benefits, the right to appeal such actions, or that require a response from beneficiary notices advising LEP persons of the availability of free language assistance, and other outreach materials.

**Title VI Compliance Officer:** The person or persons responsible for administering compliance with the Title VI LEP policies.

**Substantial number of LEP:** 5% or 1,000 people, whichever is smaller, are potential applicants or recipients of the agency and speak a primary language other than English and have limited English proficiency.

**PROCEDURES:**

**1. IDENTIFYING LEP PERSONS AND THEIR LANGUAGE**

The **City of Eden** will promptly identify the language and communication needs of the LEP person. Staff will use a language identification card (or “I speak cards,” <http://www.lep.gov/resources/ISpeakCards2004.pdf>) and LEP posters to determine the language. In addition, when records are kept of past interactions with individuals or family members, the language used to communicate with the LEP person will be included as part of the record.

## 2. OBTAINING A QUALIFIED INTEPRETER

List the current name, office telephone number, office address and email address of the Title VI compliance officers:

Jon Mendenhall, City Manager  
City of Eden  
308 E Stadium Drive  
Eden, NC 27288  
jmendenhall@edennc.us  
(336) 623-2110

### Check all methods that will be used:

Maintaining an accurate and current list showing the language, phone number and hours of availability of bilingual staff (*provide the list*):

Contacting the appropriate bilingual staff member to interpret, in the event that an interpreter is needed, if an employee who speaks the needed language is available and is qualified to interpret;

Obtaining an outside interpreter if a bilingual staff or staff interpreter is not available or does not speak the needed language.

Eden will utilize Fluent Language Solutions, Inc., for outside interpreter services.

Have/has agreed to provide qualified interpreter services. The agency's (or agencies') telephone number(s) is/are

Fluent Language Solutions, Inc.  
(704) 532-7446.  
Standard services are provided Monday – Friday from 8:00 am to 5:00 pm.

Other (*describe*):

**All staff will be provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter.**

Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and **after** the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the facility. Such an offer and the response will be documented in the person's file. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest should be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP person.

Children and other residents will **not** be used to interpret, in order to ensure confidentiality of information and accurate communication.

### 3. PROVIDING WRITTEN TRANSLATIONS

- i. The **City of Eden** will set benchmarks for translation of vital documents into additional languages. (*please ensure to keep records of those documents that apply to your agency*)
- ii. When translation of vital documents is needed, the **City of Eden** will submit documents for translation into frequently-encountered languages.
- iii. Facilities will provide translation of other written materials, if needed, as well as written notice of the availability of translation, free of charge, for LEP individuals.

### 4. PROVIDING NOTICE TO LEP PERSONS

The **City of Eden** will inform LEP persons of the availability of language assistance, free of charge, by providing written notice in languages LEP persons will understand. Example: The notification will include, in the primary language of the applicant/recipient, the following language: **IMPORTANT: IF YOU NEED HELP IN READING THIS, ASK THE AGENCY FOR AN INTERPRETER TO HELP. AN INTERPRETER IS AVAILABLE FREE OF CHARGE.**

All interpreters, translators and other aids needed to comply with this policy shall be provided without cost to the person being served, and individuals and their families will be informed of the availability of such assistance free of charge.

At a minimum, notices and signs will be posted and provided in intake areas and other points of entry, including but not limited to the main lobbies, waiting rooms, etc.

#### **Eden City Hall**

Notification will also be provided through one or more of the following: outreach documents, telephone voice mail menus, local newspapers, radio and television stations, and/or community-based organizations

**Outreach documents; local newspaper (Greensboro News Record and/or Rockingham Now); webpage notice**

### 5. MONITORING LANGUAGE NEEDS AND IMPLEMENTATION

On an ongoing basis, the **City of Eden** will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, the **City of Eden** will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, complaints filed by LEP persons, feedback from residents and community organizations, etc.

#### **I. Compliance Procedures, Reporting and Monitoring**

##### **A. Reporting**

The agency will complete an annual compliance report and send this report to NC Department of Commerce; Rural Economic Development (REDD) and/or other state agencies as necessary. (Format will be supplied by REDD)

##### **B. Monitoring**

The agency will complete a self-monitoring report on a quarterly basis, using a standardized reporting system proposed by the local government. These reports will be maintained and stored by the Title VI Compliance Officer and will be provided to the REDD upon request.

The agency will cooperate, when requested, with special review by the REDD.



## II. Applicant/Recipient Complaints of Discriminatory Treatment

### A. Complaints

The agency will provide assistance to LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint. A complaint will be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of this policy. The form can be found at <http://www.nccommerce.com/rd/community-assistance/investment-assistance/forms-resources/compliance-plans-and-templates/limited-english-proficiency>.

The agency will maintain records of any complaints filed, the date of filing, actions taken and resolution.

The agency will notify the appropriate section within REDD of complaints filed, the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.

### B. Resolution of Matter

If the matter cannot be resolved by informal means, the individual will be informed of his or her right to appeal further to REDD. This notice will be provided in the primary language of the individual with Limited English Proficiency.

The REDD Compliance Office will conduct an investigation of the allegations of the complaint. The investigation will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.

The investigation will not exceed 30 days, absent a 15-day extension for extenuating circumstances.

If the investigation indicates a failure to comply with the Act, the local unit of government, agency Director or his/her designee will so inform the recipient and the matter will be resolved by informal means whenever possible within 60 days.

If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to the Department of Justice. This notice will be provided in the primary language of the individual with Limited English Proficiency. If not resolved by REDD, then complaint will be forwarded to Department of Justice (DOJ), Department of Housing and Urban Development (HUD) Field Office.

SUBMITTED AND ADOPTED BY:

\_\_\_\_\_  
Neville Hall  
Mayor

\_\_\_\_\_  
Date

HUD PORTAL LEP:

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/promotingfh/lep-faq](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep-faq)

**CITY OF EDEN 2023 CDBG NEIGHBORHOOD REVITALIZATION (CDBG-NR) PROGRAM  
GRANT #22-C-4120**

**RECIPIENT'S PLAN TO FURTHER FAIR HOUSING**

**Grantee: City of Eden**

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**Recipient's Address: 308 East Stadium Dr, Eden, NC 27288**

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**Contact Person: Kelly Stultz**

**Contact Phone #:**

**336-623-2110**

**Contact Email:**

kstultz@edennc.us

**TDD #: Relay North Carolina**

**TT#800/735-2962 or 7-1-1**

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**I. Indicate if the Recipient will be affirmatively furthering fair housing for the first time or has implemented specific activities in the past.**

First Time \_\_\_\_\_ Past Activities  X

**II. Identify and analyze obstacles to affirmatively furthering fair housing in recipient's community. (Use additional pages as necessary)**

1. Citizens of the City of Eden may not be aware of current federal and state fair housing law or what constitutes an unfair housing practice.
2. Lack of coordination between housing-related groups and organizations in the public and private sector. Local housing-related businesses may not be aware of their responsibilities to comply with provisions of fair housing law; or may not be aware of opportunities to participate in agreements to affirmatively further fair housing.
3. Low-income families may not be aware of housing assistance available to them in the City of Eden.
4. Citizens and housing-related businesses may be unaware of Title VIII requirements included in the Fair Housing Amendments Act of 1988.
5. A significant portion of the housing stock in the City of Eden is substandard.
6. Housing ownership opportunities are limited for low- and moderate-income persons. Where housing opportunities exist, extensive credit counseling and homeownership classes are required to prepare them for ownership eligibility.
7. Insufficient inventories of standard, affordable housing units to provide LMI persons, protected under Title VIII, reasonable numbers of housing choices in locations outside traditional areas of LMI and/or minority concentrations.

**III. Will the above activities apply to the total municipality or county?**

Yes  X  No \_\_\_\_\_ **If no, provide an explanation.**  
(Use additional pages as necessary)

**IV. Briefly describe the quarterly activities that the recipient will undertake over the active period of the grant to affirmatively further fair housing in their community. A time schedule and estimated cost for implementation of these activities must be included. *Activities must be scheduled for implementation at least on a quarterly basis.*** (Use attached table)

**Grantee Name: City of Eden**

<b>Quarterly Fair Housing Activity</b>	<b>Months</b>	<b>Year</b>	<b>Estimated Cost</b>	<b>Actual Cost</b>
<i>Example: Establish FH policy, Complaint Procedure</i>	<i>Jan-Mar.</i>	<i>20xx</i>	<i>\$xxxx</i>	<i>\$xxxx</i>
Adopt Fair Housing Policy and Recipient’s Plan to Affirmatively Further Fair Housing.	Oct-Dec	2024	\$250.00	
Publish Fair Housing Notice including complaint procedure in <u>Greensboro News Record</u> ; post fair housing policy and complaint procedure at City Hall.	Jan-Mar	2025	\$250.00	
Prepare a City fair housing brochure; post copies at City Hall.	Apr-Jun	2025	\$100.00	
Distribute City’s fair housing brochure to local housing-related industries.	Jul-Sep	2025	\$200.00	
Conduct a Housing Counseling Session/Fair Housing Workshop.	Oct-Dec	2025	\$450.00	
Contact local churches; provide posters and brochures. Prepare “April is Fair Housing Month” proclamation for April meeting adoption.	Jan-Mar	2026	\$200.00	
Adopt “April is Fair Housing Month” proclamation at City Council Meeting.	Apr-Jun	2026	\$0.00	
Post fair housing complaint procedure on City website.	Jul-Sep	2026	\$100.00	
Contact local libraries; provide posters and brochures.	Oct-Dec	2026	\$200.00	

**V. Describe recipient’s method of receiving and resolving housing discrimination complaints. This may be either a procedure currently being implemented or one to be implemented under this CDBG grant. Include a description of how the recipient informs the public about the complaint procedures. (Use additional pages as necessary)**

- 1) Any person or persons wishing to file a complaint of housing discrimination in the City of Eden may do so by informing the Director of Planning & Community Development at (336) 623-2110, or the NC Human Relations Commission (984) 236-1919, Fax 984-236-1946, Toll-Free 1-866-324-7474, of the facts and circumstances of the alleged discriminatory acts or practice.
- 2) Upon receiving a housing discrimination complaint, the Director of Planning & Community Development shall acknowledge the complaint within 10 days in writing and inform the Department of Commerce, Rural Economic Development Division and the North Carolina Human Relations Commission about the complaint. The City shall then assist the Commission and the complainant in filing an official written housing discrimination complaint with the Commission, pursuant to the State Fair Housing Act and Title VIII.
- 3) The City shall offer assistance to the Commission in the investigation and conciliation of all housing discrimination complaints which are based on events occurring in the City of Eden.
- 4) The Director of Planning & Community Development shall publicize within the City that she is the local official to contact with housing discrimination complaints.

**Approved By:**

<b>Neville Hall, Mayor</b>		<b>November 19, 2024</b>
<b>Name and Title of Chief Elected or Executive Officer</b>	<b>Signature</b>	<b>Date</b>

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**CITY OF EDEN – MEMORANDUM**

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**TO:** HONORABLE MAYOR AND CITY COUNCIL

**THRU:** JON MENDENHALL, CITY MANAGER

**FROM:** ERIN GILLEY, CITY ATTORNEY, PAUL MOORE, CHIEF OF POLICE

**DATE:** NOVEMBER 8, 2024

**SUBJECT:** CONTRACT FOR ABC LAW ENFORCEMENT

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Pursuant to NCGS § 18B-501(f), The City and the Eden ABC Board have been parties to a contractual agreement for the enforcement of ABC laws in the city by Eden Police Department. This has been in effect since 1984. Eden ABC Board was advised by the NC ABC Commission that it needed to update/renew their contract with the City.

Attached you will find a proposed agreement that mirrors the one from 1984. City staff and Eden ABC Board are working in compliance with NC ABC Commission and will continue operations as it has been doing.

Staff recommends that you approve this Agreement at your November City Council meeting. Please contact me if you should have any questions or concerns.

Contract For ABC Law Enforcement

State of North Carolina

ABC Board Eden

THIS CONTRACT is entered into on this the \_\_\_\_ day of November 2024, by and between the Eden ABC Board (hereinafter “ABC Board”) and City of Eden Police Department (hereinafter “Agency”) for the purposes set forth below:

WHEREAS, North Carolina General Statute Chapter 18B requires that the ABC Board either hire an ABC law enforcement officer or contract for ABC law enforcement with a local law enforcement agency; and

WHEREAS, the ABC Board is required by law to expend at least 5% of profits for ABC law enforcement; and

WHEREAS, the ABC Board is of the opinion that contracting with the Agency for ABC law enforcement would constitute the most efficient use of its ABC law enforcement funds; and

WHEREAS, the Agency agrees to provide ABC law enforcement in City of Eden (town / county) in return for the agreed funding;

NOW , THEREFORE, IT IS AGREED that:

1. The Agency shall provide ABC law enforcement within the boundaries of City of Eden (town/county) in return for the sum of \$ not less than 5% of the gross receipts annually, to be paid in quarterly installments. This amount shall be adjusted as needed to equal the amount required by North Carolina General Statute 18B-805(c)(2) to be expended on ABC law enforcement.

2. The Agency shall be solely responsible for hiring, equipping and supervising the officer or officers who are charged with the duty of enforcing the ABC laws, and the Agency agrees to indemnify, and hold harmless, the ABC Board for any liability arising from the activities of said officers.
3. The Agency shall give priority to specific requests from the ABC Board for assistance in such matters as ABC store security, protection of ABC store deposits, and the investigation of internal and external theft [this list of duties should be tailored to the ABC Board's expectations].
4. The Agency shall report to the ABC Board by the 5th business day of each month on a form developed by the Commission the following:
  - a. The number of arrests made for ABC law, Controlled Substance Act, or other violations, by category, at ABC permitted outlets.
  - b. The number of arrests made for ABC law, Controlled Substance Act, or other violations, by category, at other locations.
  - c. The number of agencies assisted with ABC law or controlled substance related matters.
  - d. The number of alcohol education and responsible server programs presented.
5. This contract shall continue in effect until such time as either party desires to cancel the contract and gives notice of cancellation as follows:
6. This contract may be canceled by either party upon 30-day notice to the other party, which notice shall be given in writing.

Effective the \_\_\_\_\_ day of November, 2024.

\_\_\_\_\_ ABC Board

By: \_\_\_\_\_

\_\_\_\_\_  
(Agency)