

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, April 17, 2012 at 7:30 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meeting were as follows:

Mayor:		John E. Grogan
Mayor Pro Tem:		Wayne Tuggle, Sr.
Council Members:		Donna Turner
		Darryl Carter
		Jerry Epps
		Gene Hagood
		Jim Burnette
	(absent)	Jerry Ellis
City Manager:		Brad Corcoran
City Clerk:		Sheralene Thompson
City Attorney:		Erin Gilley
City Staff:		Deanna Hunt

Representatives from Departments:

Representatives from News Media: Roy Sawyers, *RCENO*, Latala Payne, *Eden News*

MEETING CONVENED:

Mayor Grogan called the regular meeting of the Eden City Council to order and welcomed those in attendance. He explained that the Council meets the third Tuesday of each month at 7:30 p.m. and works from a prepared agenda; however, time would be set aside for business not on the printed agenda.

INVOCATION:

Mr. Gary Cobb, Pastor, Sunny Home Baptist Church, gave the invocation followed by the Pledge of Allegiance.

PROCLAMATIONS & PRESENTATIONS:

Mayor Grogan asked Mayor Pro Tem Tuggle to read the following proclamation in recognition of Arbor Day.

2012 ARBOR DAY PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the State of North Carolina, the nation and the world, and

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WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, the City of Eden has been named a Tree City USA community by the National Arbor Day Foundation for the 17th year, and

NOW, THEREFORE, I, John Grogan, Mayor of the City of Eden, do hereby proclaim Friday, **April 27, 2012 as Arbor Day in the City of Eden**, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and to plant trees to promote the wellbeing of this and future generations.

Dated this 17th day of April, 2012.

John E. Grogan, Mayor

ATTEST:

Sheralene Thompson, City Clerk

Mayor Grogan asked Mayor Pro Tem Tuggle to read the following proclamation in recognition of Great American Cleanup Day.

2012 GREAT AMERICAN CLEANUP PROCLAMATION

WHEREAS, Keep America Beautiful is the nation's largest volunteer-based community action and education organization; and

WHEREAS, Keep America Beautiful promotes programs that engage individuals to take greater responsibility for improving their community's environment through the three main focus areas of litter prevention, waste reduction and recycling, and beautification; and

WHEREAS, Keep America Beautiful sponsors the Great American Cleanup, the nation's largest annual community improvement program; and

WHEREAS, the City of Eden became an affiliate of Keep America Beautiful in 2011; and

WHEREAS, the mission of Keep Eden Beautiful is to improve the appearance of the community by inspiring and engaging the citizens of Eden to take personal responsibility for their community environment;

NOW, THEREFORE, I, John Grogan, Mayor of the City of Eden, do hereby proclaim Saturday, **May 5, 2012 as the Great American Cleanup Day in the City of Eden**, and I urge all organizations, businesses and citizens to participate in this event to make Eden a more beautiful place to live, work and play.

Dated this 17th day of April, 2012.

John E. Grogan, Mayor

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ATTEST:

Sheralene Thompson, City Clerk

Mayor Grogan asked Mayor Pro Tem Tuggle to read the following proclamation in recognition of A Day of Service By Linking Arms.

**A PROCLAMATION
HELPING HANDS AND LINKING ARMS
A DAY OF SERVICE**

WHEREAS, the City of Eden will link arms with many churches and organizations as a powerful force for solving problems in an effort to assist and to serve the needy and less fortunate; and

WHEREAS, this banding together, in the spirit of giving, of many dedicated individuals can transform lives and entire communities; and

WHEREAS, the City of Eden esteems service to be an integral part of community living and highly values the linking of arms of organizations in service; and

WHEREAS, unselfish service unites citizens while relieving the distress of community members and brings hope to all; and

NOW, THEREFORE, I, JOHN E. GROGAN, Mayor of Eden, North Carolina, do hereby proclaim April 28, 2012, as “**A DAY OF SERVICE BY LINKING ARMS**” and encourage our citizens and community organizations, businesses, and churches to share in the Helping Hands effort.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Eden, North Carolina this in the year of our Lord two thousand and twelve.

John E. Grogan, Mayor

ATTEST:

Sheralene Thompson, City Clerk

SET MEETING AGENDA:

Mayor Grogan noted that an item needed to be added to the Consent Agenda item 12(g), a temporary sign request.

A motion was made by Council Member Burnette seconded by Council Member Hagood to set the agenda. All Council Members present voted in favor of this motion.

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PUBLIC HEARINGS:

(a) Consideration of a zoning map amendment request and ordinance to rezone property located at the Northwest corner of E. Stadium Drive and N. New Street from Industrial Park-1 to Business-General. Request submitted by Jack T. Fleming, Jr. ZONING CASE Z-12-02.

The city has received a zoning map amendment request filed by Jack T. Fleming, Jr., for property on the Northwest corner of E. Stadium Drive and N. New Street. The request is to rezone the property from Industrial Park-1 to Business General.

The Planning and Inspections Department recommends approval of the map amendment request. At their March 2012 regular meeting the Planning Board voted to recommend that the City Council approve this request.

Mayor Grogan asked Ms. Kelly Stultz, Director of Planning & Inspections to come forward with a report.

Ms. Stultz explained the following information that had recently been added based upon a recent court case.

Based upon a recent NC Supreme Court Case, any zoning amendment enacted by a City Council must include a statement by a member of the City Council, preferably, the member making the motion to approve the amendment that the amendment is consistent with the comprehensive land use management plan and why this is so. This statement is usually contained within the staff recommendation if the recommendation is to approve the amendment.

Therefore, tonight there are two zoning amendments on the agenda. If the Council intends to enact either of these two amendments, a member must verbally make statements as to why each amendment is consistent with the comprehensive land use management plan in order to make the amendment effective.

The City Attorney, Ms. Erin Gilley, recommended that the consistency statement be made in the motion. She added that she had prepared examples of a consistency statement that the new amendment on the agenda tonight would be consistent and why it would be consistent. So if they choose to adopt the staff recommendation in the amendment then she would recommend that they make an oral statement in their motion such as the one in the memo.

Mayor Grogan then asked Ms. Stultz to begin with the first item of business.

Ms. Stultz explained that the request is to rezone approximately 9.6 acres from Industrial Park-1 (IP-1) to Business General (BG). The IP-1 district is defined as an area within the boundaries of an industrial park or an area of light industrial development, but situated where residential development, or prospective development, is in close proximity on one or more sides of the district. The district is usually located along railroad spurs or major thoroughfares, but where certain operations could adversely affect nearby properties. The purpose of this district is to permit the normal operations of almost all industries, excepting those that would be detrimental to adjoining properties. Excluded from this district are those industries which are noxious by their emission of smoke, dust, fumes, glare, noise, and vibrations and those industries which deal primarily in hazardous materials, including explosive.

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The BG districts are generally located on the fringe of the central business district and along major radial highways leading out of the city. The principal use of land is for dispensing retail goods and services to the community and to provide space for wholesaling and warehousing activities. Because these commercial areas are subject to public view and are important to the economy of the area, they shall have ample parking, controlled traffic movement, and suitable landscaping.

The subject property is located at the intersection of Stadium Drive and New Street. The property is bordered on the north and west by a large IP-1 parcel containing Loparex in the Eden Industrial Park. Across Stadium Drive to the south of the subject property are three existing BG properties containing several different businesses. Across New Street to the east is a large undeveloped parcel of IP-1 property.

The subject property is located on a main east-west thoroughfare. The entire block across Stadium Drive to the south of the subject property is zoned BG from Gilley Street to New Street. This area includes an auto repair business, a storage business, a convenience store, and several vacant properties. There has been no recent development pressure in the area. Staff is of the opinion that rezoning the property to BG would be appropriate, due to the other BG properties in the area. There is no industrial development projected for the area and this particular parcel would likely be too small for an industrial site. Rezoning the property to BG could make it more likely to be developed for other commercial uses. The access off of Stadium Drive and New Street makes this site suitable for commercial development. In addition, a commercial use on this site would be able to provide goods and services to the surrounding industrial and business uses.

Based upon the character of the area and the existing commercial and light industrial uses in the area, staff recommended in favor of the request.

Mayor Grogan called for a public hearing and asked if there were any questions. He then asked if there were those who would like to speak in favor or in opposition of this request.

Council Member Hagood noted that in the example there it does mention specifically a Town Center but that was not a requirement, anything at all in Business-General would be allowed with the change to which Ms. Stultz replied yes, but the things that were allowed in Business-General would be consistent. Council Member Hagood stated that the person requesting does not have to really share his intent whether it be a Town Center.

Ms. Stultz replied no, this plan recommended this kind of development for this property.

Council Member Hagood questioned if anything in B-G comes with this...to which Ms. Stultz replied always. Council Member Hagood asked if he was going to make a motion to approve this he did not have to mention this Town Center...to which Ms. Stultz replied that he did.

Mayor Grogan questioned as to why to which Ms. Stultz explained that if you look at what the description of Town Centers is in the Land Use Plan, it is best used to accommodate a variety of commercial, institutional and office uses.

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Ms. Gilley added that to answer the question the court case did not change the statute, the statute does say that the content of what was in their consistency statement cannot be challenged by the court, because as long as they have a consistency statement.

As no one came forward to speak in favor or in opposition, Mayor Grogan declared the public hearing closed.

A motion was made by Council Member Hagood seconded by Council Member Tuggle to approve as per the City of Eden's Land Use Plan adopted by the City Council, the recommended designation for the subject property is in line with the Land Use Plan and the surrounding land uses and development pressures. All Council Members present voted in favor of this motion.

(b) Consideration of a zoning text amendment request and ordinance to amend Section 11.24(l)(1) Industrial-1 and Section (m)(1) Industrial-2 zoning districts to delete public utilities as a permitted use and add utilities in lieu thereof AND amend Section 11.24(1-a)(1) Industrial Park-1 to add utilities as a permitted use. Request submitted by the Planning Board. ZONING CASE Z-12-03.

The city has received a zoning text amendment request initiated by the Planning Board to amend Section 11.24(I)(1) Industrial-1 and Section 11.24 (m)(1) Industrial-2 zoning districts to delete public utilities as a permitted use and add utilities in lieu thereof AND amend Section 11.24(I-a)(1) Industrial Park-1 to add utilities as a permitted use.

The Planning Board considered this request at their regular meeting in March 2012 and recommend that the amendment be approved.

Mayor Grogan asked Ms. Stultz to come forward with a report.

Ms. Stultz explained that since the adoption of the original zoning ordinance there have been many changes in the way land is used and business is done. One of those is in the field of energy. Many strides have been made in energy technology. The need for increased availability of energy sources has made the private sector begin to join in the energy production.

She explained that in looking at their development standards this was a simple change that could improve the ability to attract industrial uses in the field of renewable energy. For example, they already have a former textile plant that has continued to generate electricity to for sale into the power grid since the textile operation ceased a number of years ago.

Based upon the foregoing information, staff recommended in favor of the text amendment.

Mayor Grogan called for a public hearing and asked if there were any questions. He then asked if there were those who would like to speak in favor or in opposition of this request.

As no one came forward to speak in favor or in opposition, Mayor Grogan declared the public hearing closed.

A motion was made by Council Member Burnette seconded by Council Member Epps to approve the amendment to the text of the City of Eden zoning ordinance does not change the use or impact of those

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districts already zoned, I-1, IP-1 and I-2. Therefore, this amendment is in compliance with the City of Eden Land Use Plan. All Council Members present voted in favor of this motion.

REQUESTS AND PETITIONS OF CITIZENS:

No one came forward to speak at this time.

UNFINISHED BUSINESS:

(a) Planning Organization Appointments and Reappointments for Board and Commissions.

The following board and commission appointments still need to be made. Members whose terms expired in 2011 or who have missed in excess of their allotted absences are highlighted.

Mayor Grogan reappointed Ms. Carol Helms to the Planning Board.

A motion was made by Council Member Tuggle seconded by Council Member Carter to approve the reappointment of Ms. Carol Helms to Planning Board. All Council Members present voted in favor of this motion.

(b) Consideration of the Certificate of Sufficiency by the City Clerk and approval to hold a public hearing on the annexation petition of property between Friendly Road and Virginia Street.

At the March regular meeting the City Council instructed the City Clerk to investigate the sufficiency of a petition for voluntary annexation for property owned by Northridge Development Corp. and FC Properties, LLC between Friendly Road and Virginia Street. With the assistance of the City Attorney, it was determined that proper signatures were placed on the petition and that Northridge Development Corp and FC Properties, LLC are the owners of the property between Friendly Road and Virginia Street.

Mayor Grogan asked Ms. Stultz for a report.

Ms. Stultz explained that staff has considered the information about this property and they did recommend that the decision is sufficient.

A motion was made by Council Member Epps seconded by Council Member Carter to approve and adopt the request. All Council Members present voted in favor of this motion.

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**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-58.2**

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

WHEREAS, the Eden City Council has by resolution directed the City Clerk to investigate the sufficiency of the Petition at their meeting on March 20, 2012; and

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

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

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein will be held in the Eden City Hall in the City Council Chamber at 7:30 P.M. on May 15, 2012.

Section 2. The area proposed for annexation is described as follows:

Beginning at an iron set in the Henry County, Virginia-Rockingham County, North Carolina State Line said iron being located on the West right-of-way line of Secondary Road #1714 where it intercepts the Virginia-North Carolina State Line; thence from said beginning point the following courses and distances along the West right-of-way line of Secondary Road #1714 South 03 deg. 49 min. West 37.42 feet, South 04 deg. 24 min. 30 sec. East 398.02 feet, South 12 deg. 38 min. East 422.48 feet, South 16 deg. 36 min. 30 sec. East 300.96 feet, South 20 deg. 35 min. East 953.46 feet, South 21 deg. 37 min. East 247.26 feet, South 22 deg. 39 min. East 160.34 feet, South 09 deg. 14 min. 30 sec. East 190.27, South 16 deg. 33 min. West 143.61 feet, South 28 deg. 56 min. West 71.21 feet, and South 38 deg. 22 min. West 185.95 feet to a concrete monument; thence leaving Secondary Road #1714 North 70 deg. 14 min. West 2,299.19 feet to a point, a common corner with Carl & Fleta Martin (see Deed Book 736 at Page 399); thence with said Martin line North 48 deg. 26 min. West 857.66 feet to a point in the East right-of-way of Secondary Road #1716; thence with the East right-of-way line of Secondary Road #1716 the following courses and distances: North 49 deg. 32 min. East 313.70 feet, North 42 deg. 21 min. 30 sec. East 290.76 feet, North 35 deg. 11 min. East 396.06 feet, North 33 deg. 50 min. East 95.15 feet; North 32 deg. 29 min. East 229.36 feet, North 24 deg. 10 min. 30 sec. East 297.80 feet and North 15 deg. 52 min. East 315.57 feet to an iron set in the Virginia-North Carolina State Line; thence along the Virginia-North Carolina State Line North 89 deg. 58 min. East 1,223.85 feet to an iron on the West right-of-way line of Secondary Road #1714 the point of beginning.

SAVE AND EXCEPT THE FOLLOWING 3 TRACTS:

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Beginning at a point, said point being the common corner of Lots 10 and 11 of map entitled Northridge Mobile Home Subdivision as recorded in Map Book 22 at Page 10, said point also being in the northern right-of-way of Wilshire Drive; thence from said point of beginning with the common property line of Lots 10 and 11 North 29 deg. 20 min. 52 sec. East 120.00 feet to a point; thence with the boundary of Lot 11 South 45 deg. 24 min. 30 sec. East 98.23 feet to a point; thence continuing with Lot 11 South 12 deg. 12 min. 16 sec. East 79.07 feet to a point, a common corner of Lots 11 and 12; thence with the boundary of Lot 12 South 12 deg. 54 min. 31 sec. West 81.91 feet to a point; thence continuing with Lot 12 South 44 deg. 52 min. 49 sec. West 101.91 feet to a point, a common corner of Lots 12 and 13; thence with the boundary of Lot 13 South 71 deg. 41 min. 14 sec. West 89.62 to a point; thence continuing with Lot 13 North 70 deg. 41 min. 03 sec. West 53.39 to a point, a common corner of Lots 13 and 14; thence with boundary of Lot 14 North 57 deg. 14 min. 57 sec. West 61.33 feet to a point, the common corner of Lots 14 and 15; thence with the common line of Lots 14 and 15, North 17 deg. 10 min. 05 sec. East 136.38 feet to a point in the southern right-of-way of Wilshire Drive, point also being the common corner of Lots 14 and 15; thence with the right-of-way of Wilshire Drive the following courses and chord distances: South 43 deg. 47 min. 11 sec. East 29.81 feet, South 46 deg. 23 min. 25 sec. East 41.45 feet, North 85 deg. 34 min. 05 sec. East 39.96 feet, North 30 deg. 40 min. 48 sec. East 52.00 feet, North 30 deg. 39 min. 08 sec. West 50.00 feet to the point of beginning and being Lots 11, 12, 13 & 14, Section A of Northridge Mobile Home Subdivision as recorded in Map 22 at Page 10.

Beginning at a point, said point being in the northern right-of-way of Wilshire Drive, said point also being a common corner with Lots 11 and 12; thence from said point of beginning with the northern right-of-way of Wilshire Drive North 85 deg. 46 min. 08 sec. West 60.00 feet chord to a point, a common corner with Lots 12 and 13; thence leaving said road with the common line of Lots 12 and 13 North 15 deg. 40 min. East 145.00 feet to a point, the common corner of Lots 12 and 13; thence South 74 deg. 19 min. 13 sec. East 75.66 feet to a point, said point being a common corner of Lots 12 and 11; thence with the common line of Lots 11 and 12 South 22 deg. 52 min. 58 sec. West 134.15 feet to the point of beginning and being Lot 12, Section B of Northridge Mobile Home Subdivision as recorded in Map 22 at Page 10.

Beginning at a point, said point being in the northern right-of-way of Wilshire Drive, said point also being a common corner with Lots 8 and 9; thence from said point of beginning with the northern right-of-way of Wilshire Drive North 74 deg. 15 min. 30 sec. West 43.56 chord feet to a point in the right-of-way; thence as it curves to the right with a 20' radius a chord bearing and distance North 30 deg. 53 min. West 28.73 feet to a point in the eastern right of way of Northridge Drive; thence with the eastern right-of-way of Northridge Drive as it curves to the right a chord bearing and distance North 23 deg. 48 min. 02 sec. East 78.86 feet to a point; thence leaving said right-of-way with the common property line of Lots 8 and 7 South 84 deg. 15 min. 53 sec. East 68.14 feet to a point, a common corner with Lots 8 and 9; thence with the common line of Lots 8 and 9 South 22 deg. 52 min. 15 sec. West 110.51 feet to the point of beginning and being

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Lot 8, Section A of Northridge Mobile Home Subdivision as recorded in Map 22 at Page 10.

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

This the 17th day of April, 2012.

CITY OF EDEN

BY: John E. Grogan, Mayor

ATTEST:

Sheralene S. Thompson, CMC
City Clerk

NEW BUSINESS:

No New Business was scheduled at this time.

REPORTS FROM STAFF:

No Reports were scheduled at this time.

CONSENT AGENDA:

- (a) Approval and adoption of minutes: March 20, 2012.
- (b) Approval and Adoption - Budget Amendment #10.

The budget amendment allocates \$50,000 grant funds received from NC Department of Environment & Natural Resources for the evaluation of the Tanyard Branch Outfall and tributary sewers.

Subject: Budget Amendment # 10

	Account #	From	To	Amount
Water & Sewer Fund Revenues				
TAG Grant - Tanyard Branch Outfall	30-3831-52000	\$ -	\$ 50,000.00	<u>\$ 50,000.00</u>

Water & Sewer Fund Expenditures

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Tanyard Branch					
Outfall	30-8130-24840	\$	-	\$ 50,000.00	<u>\$ 50,000.00</u>

To appropriate grant funds received from NC DENR.

Adopted and effective this 17th day of April, 2012.

Attest:

BY: John E. Grogan, Mayor

ATTEST:

Sheralene S. Thompson, CMC
City Clerk

(c) Consideration and Approval of 3-Year Financing Terms for Sakai Asphalt Roller.

On the March 20, 2012, City Council approved to purchase an asphalt roller for the Street Department and finance it over three years. On April 4, 2012, I requested bids from our local banks for the financing and received the following quotes:

BB&T	2.07%
Carter Bank & Trust	2.75%
NewBridge Bank	2.50%

The lowest quote is from BB&T at 2.07%. The annual payments will be \$12,448.11 which has been included in the upcoming FY 2012-2013 budget. I respectfully ask that Council approve BB&T as the successful bid and adopt the attached Resolution Approving Financing Terms.

RESOLUTION APPROVING FINANCING TERMS

WHEREAS: The City of Eden, North Carolina (the "City") has previously determined to undertake a project for the financing of a new Sakai SW/TW300-1 Asphalt Roller (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The City hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated April 9, 2012. The amount financed shall not exceed \$35,850.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.07% and the financing term shall not exceed three (3) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider

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necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and a Project Fund Agreement as BB&T may request.

- 3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer’s satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer’s release of any Financing Document for delivery constituting conclusive evidence of such officer’s final approval of the Document’s final form.
- 4. The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as “qualified tax-exempt obligations” for the purpose of Internal Revenue Code Section 265(b)(3).
- 5. The City intends that the adoption of this resolution will be a declaration of the City’s official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The City intends that funds that have been advanced or that may be advanced from the City’s general fund or any other City fund related to the project, for project costs may be reimbursed from the financing proceeds.
- 6. All prior actions of City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 17th day of April, 2012.

BY: John E. Grogan, Mayor

Sheralene S. Thompson, City Clerk

(SEAL)

(d) Consideration and Approval to Accept the Bid for Northern Smith River Phase 2 and 3 Project.

Sealed bids were received by the City of Eden on March 31, for the Rebid of the Northern Smith River Phase 2 and 3 Sewer Improvements (Contract Part A). Three contractors were responsive and submitted sealed bids for Part A of the Contract. All three contractors are North Carolina licensed general contractors, submitted required documentation and a 5% bid bond, and followed all bid procedures.

The Northern Smith River Phase 2 and 3 Part A bids were in line with engineering estimates.

Contractors	Part A	Estimated Cost	Different
Yates Construction	\$1,400,093.50	\$1,401,418.00	-\$1,324.50
Prillaman and Pace	\$1,416,964.00	\$1,401,418.00	+\$15,546.00
Gilbert Engineering Company	Non-responsive **	\$1,401,418.00	N/A

These bids are for the specified project and contractor will use the option of an aluminum support structure for the ravine aerial pipe crossing with a walkway maintenance bridge for servicing the sewer pipe. The walkway maintenance bridge is an additional \$12,000 option, which is included in the bid price above. Our staff believes that this maintenance accessory bridge is critical for servicing the aerial pipe that would otherwise be very difficult to reach on the rough terrain.

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** Gilbert Engineering Company did not bid an aluminum support structure for the pipe over the ravine crossing. Also, Gilbert Engineering, Prillaman and Pace, and Yates all bid the ravine crossing option with a weathered steel pipe support structure that was considerably higher cost than the aluminum with more long term maintenance cost. Bids for the weathered steel option were Yates Construction - \$1,421,977.50, Prillaman and Pace \$1,485,964.00, and Gilbert Engineering \$1,614,610.25.

These bids were acceptable to our staff and our engineering firm. Our staff and our engineering firm recommend accepting the low bid from Yates Construction for \$1,400,093.50. Construction Grants and Loans section of the North Carolina Department of Environment and Natural Resources (NCDENR) will provide a low interest loan with principle forgiveness of \$1,242,183.00 to fund this project. This bid will also require approval and acceptance by the Infrastructure Finance Section of NCDENR following Council acceptance, for the project to proceed.

(e) Consideration of Traffic Study Request and adoption of ordinance in reference to prohibiting parking on both sides of Chatham Court.

Eden City Council requested that a traffic study be conducted in reference to making it illegal to park on both the southeast and northwest sides of Chatham Court.

Current ordinance makes it an infraction to park along the southeast side of Chatham Court (see attached).

Chatham Court is a narrow street with numerous curves and hillcrests. A survey of all households on Chatham Court shows that every household has access to off street parking.

There are four households located along the northwest side of Chatham Court. Residents of all four households were contacted and all were receptive to prohibiting parking on both sides of Chatham Court.

The Police Department’s recommendation is to make it an infraction to park along both sides of Chatham Court.

(f) Approval to call a public hearing to consider the FY 2012-2013 Budget on May 15, 2012.

(g) Consideration and approval of a request for temporary signs to be located in the public right of way at NC 14 and Arbor Lane (Three Rivers Car Club Eden Cruise).

A motion was made by Council Member Tuggle seconded by Council Member Burnette to approve all Consent Agenda items. All Council Members present voted in favor of this motion.

ADJOURNMENT:

A motion was made by Council Member Tuggle seconded by Council Member Hagood to adjourn. All Council Members present voted in favor of this motion.

Respectfully submitted

Sheralene S. Thompson, CMC
City Clerk

ATTEST:

John E. Grogan, Mayor