

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, September 18, 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
	Jerry Ellis
City Manager:	Brad Corcoran
City Clerk:	Sheralene Thompson
City Attorney:	Erin Gilley

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. Jerry Ellis, Eden City Councilman, gave the invocation followed by the Pledge of Allegiance.

PROCLAMATIONS & SPECIAL PRESENTATIONS:

- (a) Special Presentation to First Presbyterian Church by the Tree Board.

Mayor Grogan asked Ms. Debbie Galloway, Planner, to come forward as well as Peter Smith, Pastor of the First Presbyterian Church and Mr. Paul Dishmon, chairman of the Tree Board.

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Ms. Galloway and Mr. Dishmon presented the First Presbyterian Church with a plaque from the Tree Board recognizing them for planting about 26 crepe myrtle trees on their property.

(b) Fall Litter Sweep Proclamation.

**FALL LITTER SWEEP
PROCLAMATION**

WHEREAS, the North Carolina Department of Transportation organizes an annual fall statewide roadside cleanup to ensure clean and beautiful roads in North Carolina; and

WHEREAS, the **FALL LITTER SWEEP** roadside cleanup encourages local governments and communities, civic and professional groups, businesses, churches, schools, families and individual citizens to participate in the Department of Transportation cleanup by sponsoring and organizing local roadside cleanups; and

WHEREAS, Adopt-A-Highway volunteers, Department of Transportation employees, Division of Adult Correction inmates, community service workers, local government agencies, community leaders, civic and community organizations, businesses, churches, schools, and environmentally concerned citizens conduct annual local cleanups during **FALL LITTER SWEEP** and may receive certificates of appreciation for their participation; and

WHEREAS, the great natural beauty of our state and a clean environment are sources of great pride for all North Carolinians, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid wastes; and

WHEREAS, the **FALL LITTER SWEEP** cleanup will celebrate the 24th anniversary of the North Carolina Adopt-A-Highway program and its 5,000 volunteer groups who donate their labor and time year-round to keep our roadsides clean; and

WHEREAS, the **FALL LITTER SWEEP** cleanup will be a part of educating the children of this great state regarding the importance of a clean environment to the quality of life in North Carolina;

NOW, THEREFORE, I, JOHN E. GROGAN, Mayor of the City of Eden, do hereby proclaim September 15–29, 2012, as “**FALL LITTER SWEEP**” time in the City of Eden, and encourage citizens to take an active role in making their communities cleaner.

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

John E. Grogan, Mayor

SET MEETING AGENDA:

Council Member Hagood requested that Consent Agenda items 13b and 13f be pulled for discussion.

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Council Member Ellis requested that 8b under Public Hearings be removed from the agenda.

A motion was made by Council Member Epps seconded by Council Member Carter to remove item 8b from the agenda and to pull items 13b and 13f for discussion and also to add item 13h (Supplemental Agreement NCDOT) to the consent agenda, setting the agenda. All Council Members voted in favor of this motion.

NEW BUSINESS:

- a. Request for a temporary sign from First Presbyterian Church for the Annual Fall Festival.

First Presbyterian Church has requested permission to erect a temporary sign in the right-of-way of Van Buren Road and Arbor Lane. This sign will advertise a fall festival event to be held at First Presbyterian Church at 582 Southwood Drive on Saturday, October 27, 2012. This will be a fellowship event open to the community and is a fundraiser for the Student Back Pack Program in Eden Schools, The Lord's Pantry, and the church building fund.

The sign ordinance allows temporary signs in the street right-of-ways upon approval by the City Council.

A motion was made by Council Member Carter seconded by Council Member Ellis to approve the request for a temporary sign from First Presbyterian Church. All Council Members voted in favor of this motion.

- b. Request for a temporary sign from the Rotary Club for the Annual Masquerade Ball.

The Rotary Club of Eden has requested permission to erect a temporary sign in the right-of-way of Van Buren Road and Kings Highway (in front of the hospital). This sign will advertise their annual Masquerade Ball to be held on Saturday, October 27, 2012.

The banner will be hung on October 8 and taken down no later than October 29. The banner is 12 feet long and 4 feet wide. The sign ordinance allows temporary signs in the street right-of-ways upon approval by the City Council. The Planning and Inspections Department recommends approval of the request.

A motion was made by Council Member Tuggle seconded by Council Member Hagood to approve the request for a temporary sign from the Rotary Club. All Council Members voted in favor of this motion.

PUBLIC HEARINGS:

- (a) Consideration of a zoning text amendment request and ordinance to amend Section 11.24(k)(5) Business – Shopping Center to add “Auction sales” as a permitted use. Request submitted by Jim Koffarnus representing Swofford, Inc. Zoning Case Z-12-04.

The City has received a zoning text amendment request submitted by Jim Koffarnus representing Swofford, Inc. to amend Section 11.24(k)(5) – the Business-Shopping Center zoning district regulations of the City of Eden Zoning Ordinance to allow auction sales as a permitted use. Staff recommended that the text amendment be approved.

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The Planning Board considered this request at their regular meeting on August 28, 2012, and recommended that the amendment be approved.

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

Ms. Stultz explained that the Business Shopping Center district is established as a district in which the principal use of land is to provide for the retailing of goods and services in designated shopping areas, where the nature of the development occurring is limited by standards designed to protect the abutting residential areas. This district is required for shopping center developments over four (4) acres; shopping center areas under four (4) acres shall be classified as neighborhood businesses.

The request is to allow auction sales as a permitted use. Auction sales are currently allowed in the Business Central (BC) and Business General (BG) districts. Since the BSC district is designed for retail and service establishments, with ample parking to serve these types of businesses, staff is of the opinion that auction sales is similar enough in nature to retail uses, and would, therefore, be compatible with these uses. Based upon the foregoing information, staff recommends that auction sales be added as a permitted use in the Business Shopping Center district.

Mayor Grogan called for a public hearing and asked if anyone was present who wished to speak in favor or in opposition of this request. As there was no one present to speak in favor or against he then declared the public hearing closed.

Council Member Carter asked if she had heard any feedback from the current tenants to which she replied she had not.

A motion was made by Council Member Tuggle seconded by Council Member Burnette to approve the request for a zoning text amendment request and ordinance to amend Section 11.24(k)(5) Business – Shopping Center to add “Auction sales” as a permitted use. Request submitted by Jim Koffarnus representing Swofford, Inc. All Council Members voted in favor of this motion.

- (b) Consideration of a zoning text amendment request and ordinance to delete Section 11.31(f)(9) which allows for temporary banners to be placed in the public right of way. Request initiated by Eden City Council. Zoning Case Z-12-05.

This item was pulled from the agenda.

- (c) Consideration of a request and adoption of the Ordinance for Local Landmark designation for the Superintendent’s House, located at 141 Main Street, pursuant to a request from property owner Curtis H. Darnell. Case HPCL-12-02.

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Landmark designation for the Superintendent's House, located at 141 Main Street. The Commission will hold a public hearing to consider this request at their regular meeting on September 17, 2012. Staff requests that Council hold a public hearing at the September 18, 2012, meeting to consider this request.

The City has not yet received comments from the State Historic Preservation Office on this property, although the required 30 day waiting period has passed.

Staff has spoken with the State Office, and expects to receive their comments before the public hearings take place.

Staff recommends in favor of the request.

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

Ms. Debbie Galloway explained that the existing house was built in 1916 by Marshall Field Company for mill superintendent Luther Knowles when the German-American Mill complex and the surrounding mill village were expanded. The property was originally developed with a smaller frame house built around 1906 for John Gregson, an early superintendent of the German-American Mill. The current brick house was built to replace the earlier house when Marshall Field expanded the mill complex in 1916. The home was occupied by subsequent superintendents of the mills through the years.

The German-American Mill was the last of the textile mills built by the Spray Water Power and Land Company under B. Frank Mebane. Construction was started in 1905 and the mill opened in 1906. Unlike the previous mills in the area, the new mill was at the center of a new community rather than an established town. The new town was built as a model mill village and named for Arthur J. Draper, president of the American Warehouse Company (1905-06) who was instrumental in planning the layout of the village. The new mill was a state-of-the-art facility at the time of its construction. The original Superintendent's House was built at this time. The mill was expanded in 1909 and 1911 before being purchased by Marshall Field and Company. In 1916, when the mill was doubled in size, the current Superintendent's House was built as part of an expansion of the surrounding mill village.

The large foursquare house is situated on a hill overlooking the former mill village and sits prominently on a large expansive lawn. Large box posts support a wide wrap-around porch with wide front and side steps. The front entrance is framed by sidelights and a three-part transom. The house retains many of its original exterior features, with the exception of one side of the wrap-around porch which has been enclosed to create a sunroom and a two story addition on the rear of the house. The porch railings have also been removed. The brick exterior was painted in the 2000's. The original exposed rafters have been encased in fascia boards. The original hipped rooflines have not been altered. Most windows and doors appear to be original to the house. The house retains many of its original interior features, although some are known to have been removed during a 1940's remodeling, including a marble mantelpiece and three Tiffany light fixtures. There are four fireplaces in the house. There are maple hardwood floors on the first floor and oak hardwood floors on the second floor. The wide entrance hall features a prominent staircase and French doors

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which lead to the rear part of the house. The newel post on the staircase is believed to be original to the house. The house has 16 inch thick walls and ten foot ceilings on the first floor and nine foot ceilings on the second floor. The newel post on the staircase is believed to be original to the home.

Based upon the historical and architectural significance of the property and the above information, staff recommends in favor of the designation of the Superintendent's House as a local historic landmark.

Mayor Grogan called for a public hearing and asked if anyone was present who wished to speak in favor or in opposition of this request. As there was no one present to speak in favor or against he then declared the public hearing closed.

A motion was made by Council Member Ellis seconded by Council Member Tuggle to approve the request and adoption of the Ordinance for Local Landmark designation for the Superintendent's House, located at 141 Main Street, pursuant to a request from property owner Curtis H. Darnell. All Council Members 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.

Ward 3 – Tree Board

Ward 7 – Historic Preservation Commission

A motion was made by Council Member Tuggle seconded by Council Member Carter to approve the appointments of Robert G. Fretwell, Jr. to Tree Board and George Underwood to Historic Preservation Commission. All Council Members voted in favor of this motion.

REPORTS FROM STAFF:

- (a) Main Street Updates.

Mr. Mike Dougherty, Director of Business & Economic Development presented a slide show of recent updates in the downtown areas. Ms. Cindy Adams, Tourism & Events Coordinator added a brief report about the recent Riverfest event.

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SWEARING IN OF CITY OF EDEN YOUTH COUNCIL:

Mayor Grogan introduced Council Member Wayne Tuggle.

Council Member Tuggle explained that this was really a special night and he thought that anytime you have the youth in the community come in here it was just a special thing. This was the first Youth Council in the history of the City of Eden so all of them were going to be a part of this. One of these days they could look back and say that they served on the first Youth Council for the City of Eden.

He continued by expressing thanks to Council Member Burnette who had been the emphasis behind all of this. He also added that this was unanimously approved by the Mayor and the Council.

He explained that in 2011 a group of Eden citizens competed for the All-America City award. During that time all the cities there had talked about their youth councils and how important they were. He and Council Member Burnette talked about the need to get one established in Eden. He pointed out that they knew there were bright kids out there and they were interested in what they had to say.

As a former high school principal, it had always been the same image problem with youth. So many times their youth are painted with the same broad brush and all you hear are the bad stuff. You never hear about all the great kids in school. They interviewed for two weeks and here were some of the words that describe this group: Enthusiasm, creativity, thoughtfulness, great work ethics, a sense of citizenship and the intelligence to be problem solver not only for the youth but really for the whole community. He stated that they just sat there and when someone would leave them (Tuggle and Burnette), they would just look at each other and smile. Those youth were so smart and so bright and of course he was filled with great hope and tonight as they are sworn in the parents should be filled with a sense of pride because their child represents what was right about the next generation. You are always hearing about what was wrong well this was what was right. When you see these young people here they are the ones that are doing it the way it was supposed to be done.

He closed by leaving the youth with one last thing that was written by Machiavelli in 1532. "There is nothing more difficult to take in hand nor perilous to conduct or more uncertain in its success than to take the lead in the introduction of a new order of things." He noted that this was a new order of things for all of them and this Youth Council will be only as good as those who conduct its business and this was a special night for all of them.

He then turned the meeting over to Council Member Jim Burnette.

Council Member Burnette stated that was an excellent description. He explained that they had a lot of ideas about this and they actually put together a committee that looked at this initially. He then asked the committee members to stand for recognition. He stated that

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they put together the criteria for what this council would be and the things they would need to do. He thanked them all for their help.

He then explained that they would be swearing in the group en-mass by the Mayor Grogan but he wanted to call each of them forward individually. The group consisted of: Sierra Carelock, Winston Griffin, Sheridan Hodges, Isaac Hopkins, Heather Jachimiak, Sierra Jones, Chancey Odonits, Alex Parsons, William Pryor and MacKenzie Woods. He then introduced the executive members: Jacob Scales, Recruiting Coordinator, Laura Shumate, Service Coordinator, Hannah Thompson, Media Coordinator, Ann Fitts, Secretary, Logan Boothe, Vice Chair and Jesse Barnes, Chair. He thanked them all for coming and asked them each to give their names and introduce their parents.

Council Member Burnette commented that the youth were told that they would be able to choose what they wanted to do as a council. The committee began to get some feedback and the group informed him that they did not want to be by themselves. He explained to them that they would not be alone and he wanted to give them the opportunity to work with and get to know the inner-workings of the city. They would need guidance and information from the various department heads so he introduced each city department head.

Mayor Grogan then proceeded to swear in the Eden Youth Council.

CONSENT AGENDA DISCUSSION:

Mayor Grogan noted that two items were pulled for discussion:

1. Consideration and approval of the final development plan for Summit Place – Phase 1, a planned unit development, located on Northridge Drive. ZONING CASE Z-12-01.

Mayor Grogan asked Ms. Stultz to come forward.

Ms. Stultz explained that this was a result of a rezoning that the Council did to create a PUD where Northridge used to be. This area was annexed and there would be the creation of a new housing development and the ordinance requires that a special use permit be issued and they would do that after this evening.

What they have before them is the final development plan required by ordinance, Phase I of this particular development. She asked that they approve these plans upon the following conditions:

Prior to issuance of a building permit, the Special Use Permit listing all conditions of approval, along with a copy of the Statement of Intent shall be recorded in the Register of Deeds of Rockingham County.

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The Homeowners Association documents shall be recorded in the Rockingham County Register of Deeds office.

The developer shall provide all sanitary sewer easements and drainage easements.

The PUD shall comply with all City of Eden land use regulations including all provisions of the PUD-R district.

The size and location of all signs must be noted.

The plat for Phase I shall be recorded in the Rockingham Country Register of Deeds office.

She explained that they did recommend that the Council approve Phase I.

Council Member Hagood stated that in the original rezoning he believed that she had explained the one year requirement for a plan to come back and now this was a partial plan.

Ms. Stultz replied correct and that was how it worked. She had to present at least one phase within the first 12 months.

Council Member Hagood asked about the other portion.

Ms. Stultz explained that every time they are ready to do a new phase it would go to the Planning Board for approval and she would be back before the Council.

Council Member Hagood questioned that she did not have to have the complete thing for the whole area that was in the original rezoning to which she replied not in the first year. He then asked what the requirements were for the dates after that.

Ms. Stultz replied that there were none that she was aware of. Council Member Hagood pointed out that she did not have a plan for the majority of the area. She explained that there was a preliminary plan that was approved initially but as with this one when they began to look at Phase I the first time they all looked at the recommendations and decided to take it from 9 to 8 and she assumed that will continue to happen. She added that she knew that the firm was ready to seek building permits as soon they can get to the Register of Deeds office assuming Council approves it.

Council Member Hagood asked if nothing can be done to the other area without it coming back to Council to which she replied that was correct.

Council Member Burnette asked if all the criteria remained for each phase to which she replied that was correct.

Mayor Grogan asked if that meant that streets or infrastructure cannot be put in to which she replied that if they were in a different phase they can.

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A motion was made by Council Member Ellis seconded by Council Member Tuggle to approve the request. All Council Members voted in favor of this motion.

2. Approval and adoption of Resolution Designating An Official to Make Recommendations to the North Carolina Alcoholic Beverage Control Commission on ABC Permit Applications

Mayor Grogan asked Chief Reece Pyrtle to come forward.

Chief Pyrtle explained that this was a resolution to add his name to the list in Raleigh (ABC Commission) to sign off on the ABC permits. He explained that currently he signed off on all special permits for special events and this would add his name to the list to sign for any establishment that requests a permit to sell alcohol through the ABC Commission.

He explained that now when they get them they go to the Planning Department who does the location inspection and he proposed that due diligence assuring that the person requesting the permit meets the criteria set forth by the ABC Commission and this came up in a conversation he had in Reidsville and this was how they do theirs. It just makes sense if he was doing a special permit he should probably do these as well.

The City Attorney, Ms. Erin Gilley also pointed out that this was just a recommendation.

Chief Pyrtle added that they ran into this situation a couple of times when they had an issue of the revocation of a permit and they said that they should consider this at this point.

Council Member Hagood asked how it was handled now.

Chief Pyrtle explained that currently the City Manager handles it and he consults with him. One of the big things that he thought was that this would alleviate the fact that if they do a recommendation not to do a permit and it ends in a hearing down in Raleigh, it will not require both of them to make a trip to Raleigh.

Council Member Hagood questioned so this was new business, this was not a renewal or anything like that.

Chief Pyrtle replied no, this was just simply adding his name to the list so that he could sign.

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

CONSENT AGENDA:

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(a) Approval and adoption of minutes: August 21, 2012 and September 10, 2012.

(b) Consideration and approval of the final development plan for Summit Place – Phase 1, a planned unit development, located on Northridge Drive. ZONING CASE Z-12-01. *Pulled for discussion and approved (see above).*

Northridge Development Corporation has presented a final development plan for Summit Place, Phase 1 located on Northridge Drive. The Planning and Inspections Department recommends approval of the plan subject to conditions. The Planning Board considered the final development plan at their regular meeting on August 28, 2012. After consideration, the Board recommends that the request be approved subject to conditions.

(c) Approval and Adoption of Budget Amendment #2.

The attached budget amendment allocates donations that were received by the Police and Recreation Departments. Shaw Construction Company donated \$5,000 to the Police Department to purchase new Special Response Team equipment. The Eden Kiwanis Club donated \$23,000 to the Recreation Department to build dressing rooms at the Amphitheater.

	Account #	From	To	Amount
General Fund Revenues				
Police Revenue	10-3431-41700	\$ 2,900.00	\$ 7,900.00	\$ 5,000.00
Donations	10-3839-88000	\$ -	\$ 23,000.00	\$ 23,000.00
				<u>\$ 28,000.00</u>
General Fund Expenditures				
Police SRT Equipment	10-4310-29103	\$ -	\$ 5,000.00	\$ 5,000.00
Recreation C/O Building Improvements	10-6120-54000	\$ 22,700.00	\$ 45,700.00	\$ 23,000.00
				<u>\$ 28,000.00</u>

To allocation donations received by the Police and Recreation Departments.

Adopted and effective this 18th day of September, 2012.

Attest:

Sheralene Thompson, City Clerk

John Grogran, Mayor

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(d) Approval and Adoption of Financing Resolutions: (1) 2013 Ford F550 FD Squad Truck – Financing for 5 years and (2) 2013 Chevrolet Tahoes (5 each) and 2013 Ford F250 for PD – Financing for 6 years.

In the 2012-2013 Budget, City Council approved to purchase a new squad truck for the fire department and it has been set up in the budget to be financed. On August 31, 2012, I requested bids from our local banks for the financing and received the following quotes:

BB&T	1.72%
NewBridge Bank	2.76%

The lowest quote is from BB&T at 1.72%. The annual payments will be approximately \$12,440.98. I respectfully ask that Council approve BB&T as the successful bid and adopt the attached Resolution Approving Financing Terms.

In the 2012-2013 Budget, City Council approved to purchase (5) new Chevrolet Tahoes and a new Ford F250 truck for the police department and it has been set up in the budget to be financed. On August 31, 2012, I requested bids from our local banks for the financing and received the following quotes:

BB&T	1.81%
NewBridge Bank	2.51%

The lowest quote is from BB&T at 1.81%. The annual payments will be approximately \$38,843.47. I respectfully ask that Council approve BB&T as the successful bid and adopt the attached Resolution Approving Financing Terms.

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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 2013 Ford F550 4x4 Cab/Chassis (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 September 6, 2012. The amount financed shall not exceed \$59,720.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.72%, and the financing term shall not exceed five (5) 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 necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
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 18th day of September, 2012.

By: Sheralene S. Thompson, City Clerk

John E. Grogan, Mayor

SEAL

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Resolution Approving Financing Terms

WHEREAS: The City of Eden, North Carolina (the "City") has previously determined to undertake a project for the financing of five 2013 Chevrolet Tahoes and a 2013 Ford F250 (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 September 6, 2012. The amount financed shall not exceed \$198,529.32, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.81%, and the financing term shall not exceed six (6) 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 necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

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 18th day of September, 2012.

By: Sheralene S. Thompson, City Clerk

John E. Grogan, Mayor

SEAL

(e) Approval and adoption of Resolution Authorizing the Disposal of Personal Property by Public Auction.

RESOLUTION AUTHORIZING THE DISPOSAL OF PERSONAL PROPERTY BY PUBLIC AUCTION

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WHEREAS, the City of Eden owns certain equipment listed below and hereinafter referred to as “the property”; and

<u>Equipment</u>	<u>Serial Number</u>
Motorola Mobile Radio	776TVY1392
Motorola Mobile Radio	776TVA0227
Motorola Mobile Radio	776TVA0217
Motorola Mobile Radio	776TVA0216
Motorola Mobile Radio	623CFG0303
Motorola Mobile Radio	776TAA0593
Motorola Mobile Radio	776TVA0226
Motorola Mobile Radio	776ASU0507
Motorola Mobile Radio	776ATU459
Motorola Mobile Radio	776TUY1398
Motorola Mobile Radio	601548
Motorola Mobile Radio	776TUY1384
Motorola Mobile Radio	776TVA0213
Motorola Mobile Radio	776TUY1385
Motorola Mobile Radio	776TXJ3188
Motorola Mobile Radio	776TVA0236
Motorola Mobile Radio	776TUY1382
Motorola Mobile Radio	776TXV0864
Motorola Mobile Radio	776TXJ3190
Motorola Mobile Radio	776ASU0505
Motorola Mobile Radio	776TVA0515
Motorola Mobile Radio	776TUY1394
Motorola Mobile Radio	776TVA3193
Motorola Mobile Radio	776TUY1397
Motorola Mobile Radio	776TVL1244
Motorola Mobile Radio	776TVA0206
Motorola Mobile Radio	776TVA0207
Motorola Mobile Radio	776TVL1245
Motorola Mobile Radio	776TVA0232
Motorola Mobile Radio	776TXJ2744
Motorola Mobile Radio	776ATU0458
Motorola Mobile Radio	776TVA0211
Motorola Mobile Radio	776TUG1504
Motorola Mobile Radio	776TUY1389
Motorola Mobile Radio	776TVG1506
Motorola Mobile Radio	776TVA0220
Motorola Mobile Radio	776TXJ3189
Motorola Mobile Radio	776TZJ2318
Motorola Mobile Radio	776TVA0237
Motorola Mobile Radio	776ASU0506
Motorola Mobile Radio	776TVA0218
Motorola Mobile Radio	776ATU0457
Motorola Mobile Radio	776TUY1399
Motorola Mobile Radio	776TVQ1016
Motorola Mobile Radio	776TUY1390
Motorola Mobile Radio	776TUY1383
Motorola Mobile Radio	776TXJ3192
Motorola Mobile Radio	776TZL1315
Motorola Mobile Radio	776TVL1222
Motorola Mobile Radio	776TXV0863
Motorola Mobile Radio	776TVA0512

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Motorola HT 1000	402T2Q2818Z
Motorola Radius CP 200	018TFN7562
Motorola HT 1000	402ATY9987Z
Motorola radius GP 300	174FSC4490
Motorola radius GP 300	174FSC4474
Vertex VX 8000	0F041444
Vertex VX 8000	0F042415
Motorola HT 1000	402AUY8811Z
Motorola HT 1000	402AWYA0128Z
Motorola HT 1000	402AVU2983Z
Motorola HT 1000	402ATY9983Z
Motorola HT 1000	402AXQ7749Z
Vertex VX 8000	0F042413
Motorola HT 1000	40AXQ7888Z
Motorola HT 1000	402AUY8813Z
Motorola HT 1000	402ATYA510Z
Motorola HT 1000	402TZL8258Z
Motorola HT 1000	402AUE6568Z
Motorola HT 1000	402ATY9984Z
Vertex VX 8000	0F042416
Motorola HT 1000	402AUY8810Z
Motorola HT 1000	402AXQ7914Z
Motorola HT 1000	402AUY8807Z
Motorola HT 1000	402TYU0854Z
Motorola HT 1000	402TZL8167Z
Motorola HT 750	672TZNN144
Motorola HT 1000	402TZL8498Z
Motorola HT 1000	402ATY9982Z
Motorola HT 1000	402TYU0849Z
Motorola HT 1000	402AVU2984Z
Motorola HT 1000	402TZL8486Z
Motorola HT 1000	402AUY8815Z
Kenwood TK 330	0090203
Motorola HT 1000	402ATY9980Z
Vertex VX 210AU	6D010040
Motorola HT 1000	402AXQ7874Z
Motorola HT 1000	402TZL8162Z
Vertex VX 600 U	1H090231
Motorola HT 1000	40AXQ7832Z
Motorola HT 1000	402AXQ7772Z
Motorola HT 1000	402TZQ2801Z
Motorola HT 1000	402TZQ2802Z
Motorola HT 1000	402AUY8814Z
Motorola HT 1000	402AUY8809Z
Motorola HT 1000	402ATY9986Z
Motorola HT 1000	402XQ7904Z
Motorola HT 1000	402AVU2985Z
Motorola HT 1000	402AXQ7903Z
Vertex VX 800 U	0F042414
Motorola HT 1000	402ATY9989Z
Vertex VX 210 AU	61042819
Motorola HT 1000	402AUY8812Z

Sundry Radio Parts and Accessories including antennas, mics, and mounting brackets

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Vehicles:

Make	Model	Year	VIN	City No.
Ford	Crown Victoria	1995	2FALP71WXSX192798	PD60
Ford	Crown Victoria	1995	2FALP71W4SX192814	PD59
Chev	Caprice	1995	1G1BL52P0SR177274	R38
Chev	3500 Bucket truck	1995	1GBKC34N0SJ118333	S44
Ford	Crown Victoria	1999	2FAFP71W2XX237432	CG29
Ford	Crown Victoria	1997	2FALP71W0VX224923	PD85
Ford	Crown Victoria	1997	2FALP71W2VX224924	ES1
Chev	2500 4X4	1994	1GCFK24H7RE226553	M14
Ford	Crown Victoria	1996	2FALP71W8TX138790	P16
Dodge	1/2 ton p-up tk	1985	1B7GD14T3FS672273	G52
Chev	Sewer truck	1986	1GBP7D1Y2GV116212	W52
Ford	LT9000	1984	1FDYU90W9EVA07308	G30
Dresser	Asphalt Roller	1996	R25001U061923	S30
Wisconsin	Trailer	1969	3347	W35
Galion	Grader	1967	118B-CC-6-07921	S2
Marathon	Tar Kettle	2000	2M9KEB15XYA102006	S68
Joy	Air Compressor	1979	161782	W32
Joy	Air Compressor	1979	161781	S3
Heil	Trailer	1984	1HLWIT6132D662008	G32
Heil	Garbage Truck	2001	4V2D36UE01N318431	G16

WHEREAS, the City of Eden desires to dispose of the property by public auction as authorized by North Carolina General Statute §160A-270; and

WHEREAS, pursuant to North Carolina General Statute §160A-270 (c), the City Council must authorize the use of the public electronic auction service and the means of publication; and

WHEREAS, the property will be sold at a public electronic auction to the highest bidder excepting any reserve placed on the property. The property will be listed at www.govdeals.com starting on October 1st, 2012 and will be posted continuously until it is sold; and

WHEREAS, The City desires to publish this notice solely by electronic means via the City of Eden website; and

WHEREAS, Kevin Taylor, IT and Communications Manager, is an appropriate city official to dispose of the property by public auction.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Eden that the property listed above be disposed of by public auction, that the publication of this sale be solely by electronic means, and that Kevin Taylor be authorized to dispose of the property by public auction.

APPROVED, ADOPTED AND EFFECTIVE this 18th day of September, 2012.

CITY OF EDEN

By: John E. Grogan, Mayor

ATTEST:

Sheralene Thompson, City Clerk

Minutes of the regular September 18, 2012 meeting of the City Council, City of Eden:

(f) Approval and adoption of Resolution Designating An Official to Make Recommendations to the North Carolina Alcoholic Beverage Control Commission on ABC Permit Applications. *Pulled for discussion and approved (see above).*

**NORTH CAROLINA
ALCOHOLIC BEVERAGE CONTROL COMMISSION**
(919) 779-0700

Location: 400 E. Tryon Road
Raleigh, NC 27610

Mail: 4307 Mail Service Center
Raleigh, NC 27699-4307

RESOLUTION OF THE CITY OF Eden, COUNTY OF Rockingham, REGARDING THE DESIGNATION OF AN OFFICIAL TO MAKE RECOMMENDATIONS TO THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION ON ABC PERMIT APPLICATIONS.

WHEREAS G.S.18B-904(f) authorizes a governing body to designate an official, by name or by position, to make recommendations concerning the suitability of persons or locations for ABC permits; and

WHEREAS the City of Eden, County of Rockingham, wishes to notify the NC ABC Commission of its designation as required by G.S.18B-904(f);

BE IT THEREFORE RESOLVED that A. Reece Pyrtle, Police Chief,
(Name of Official) (Title or Position)

is hereby designated to notify the North Carolina Alcoholic Beverage Control Commission of the recommendations of the City of Eden, County of Rockingham, regarding the suitability of persons and locations for ABC permits within its jurisdiction.

BE IT FURTHER RESOLVED THAT notices to the City of Eden, County of Rockingham, should be mailed or delivered to the official designated above at the following address:

Mailing address: PO Box 70
Office location: 308 E. Stadium Drive
City: Eden, NC
Zip Code: 27288 Phone #: 336-623-9687

This the 18 day of September, 2012.

Minutes of the regular September 18, 2012 meeting of the City Council, City of Eden:

(g) Consideration of Traffic Study and approval and adoption of an ordinance changing the speed limit on NC 700-770 (Meadow Road) from a point 0.88 of a mile east of NC 700 (Fieldcrest Road) – SR 1714 (Summit Road), westward to SR 1962 (Pierce Street).

On July 26, 2012, Sgt. Sam Shelton received a traffic study request from Council Member Wayne Tuggle in reference to changing the speed limit on NC 700-770 (Meadow Road) from a point 0.88 of a mile east of NC 700 (Fieldcrest Road)-SR 1714 (Summit Road), westward to SR 1962 (Pierce Street) - (the 45mph section of Meadow Road, see attached).

Traveling west into the City on Meadow Road (NC 770, 700) from the City Limits, the speed limit is 35mph for 1.3 miles. The speed limit then increases to 45mph for 1.7 miles and then reduces once again to 35mph at the intersection of Pierce Street (SR 1962) until it terminates another 1.2 miles west at the Spray Traffic Circle.

There are at least twelve roadways that intersect Meadow Road (NC 770, 700) in the 1.7 mile section that is currently posted 45mph. The majority of these roadways are residential in nature, with the traffic along the 1.7 mile stretch both residential and commercial in nature. Both Morehead High School and Holmes Middle School are located just south of the Pierce Street (SR 1962)/ Meadow Road (NC 770, 700) intersection. The majority of buses for these two schools and a great number of car riders utilize this intersection.

I canvassed the area of Meadow Road (NC 770, 700) affected by the 45mph zone and was able to make contact with three households and three businesses. Everyone I spoke with was in favor of reducing the speed limit.

Concerns mentioned included:

The high volume of students going to and from school

The difficulty in entering the roadway in a safe manner

The high volume of traffic in the area

The confusion of constantly changing speed limit for such a short length of roadway

The number of accidents they have seen along this roadway

In the 3 year period of 2009-2011, the Eden Police Department had 95 crashes reported in the area of Meadow Road. 52.63% of these crashes occurred in either the 45mph section or within 50 feet of the Pierce Street (SR 1962)/ Meadow Road (NC 770, 700) intersection (location of speed limit change). 19 of the 95 reported crashes involved injury. Of these, 73.68% occurred in either the 45mph section or within 50 feet of the Pierce Street (SR 1962)/ Meadow Road (NC 770, 700) intersection (location of speed limit change).

The Police Department's recommendation is that the speed limit on Meadow Road (NC 770, 700) from 1.3 miles west of the City Limits west to Pierce Street (SR 1962) should be reduced to 35 MPH with two ordinances being drafted to concur with the two state ordinances that cover this 1.7 mile stretch of roadway.

(h) Consideration and approval of 2nd supplemental agreement between the City of Eden and the North Carolina Department of Transportation.

Minutes of the regular September 18, 2012 meeting of the City Council, City of Eden:

A motion was made by Council Member Tuggle seconded by Council Member Carter to approve the Consent Agenda items a,c-e, and g-h. All Council Members voted in favor of this motion.

CLOSED SESSION:

Closed Session to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged according to NCGS 143-318.11(a)(3)

A motion was made by Council Member Tuggle seconded by Council Member Carter to go into Closed Session to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged according to NCGS 143-318.11(a)(3). All Council Members voted in favor of this motion.

OPEN SESSION:

A motion was made by Council Member Burnette seconded by Council Member Turner to return to open session. All Council Members voted in favor of this motion.

ADJOURNMENT:

A motion was made by Council Member Ellis seconded by Council Member Burnette 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