

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, October 20, 2015 at 7:30 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meeting were as follows:

Mayor:	Wayne Tuggle, Sr.
Council Members:	Donna Turner
	Jim Burnette
	Angela Hampton
	Jerry Epps
	Darryl Carter
	Neville Hall
	Jerry Ellis
City Manager:	Brad Corcoran
City Clerk:	Sheralene Thompson
City Attorney:	Erin Gilley
Deputy City Clerk:	Deanna Hunt
Representatives from Departments:	
News Media:	Dallas Britt, Eden News;

MEETING CONVENED:

Mayor Tuggle 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. Craig Bowman, Pastor, First Baptist Church, gave the invocation followed by the Pledge of Allegiance.

RECOGNITIONS & PROCLAMATIONS:

a. Proclamation: Veteran's Day

Mayor Tuggle read the following proclamation in recognition of Veteran's Day.

**VETERANS DAY PROCLAMATION**

**WHEREAS**, our veterans are part of an unbroken chain of men and women who have served our country with honor and distinction; and

**WHEREAS**, our men and women in uniform have taught us about strength, duty, devotion, resolve—cornerstones of a commitment to protect and defend that has kept our country safe for over 200 years. In war and in peace, their service has been selfless and their accomplishments have been extraordinary; and

**WHEREAS**, it is our task to honor our veterans by fulfilling our responsibilities to them and upholding the sacred trust we share with all who have served; and

**WHEREAS**, we are called to reflect on immeasurable burdens that have been borne by so few and we pay tribute to our wounded, our missing, our fallen, and their families; and

**WHEREAS**, we also remember that our commitments to those who have served are commitments we must honor not only on Veterans Day, but every day; and

**WHEREAS**, on Veterans Day, we show our veterans our deepest thanks by participating in the many patriotic activities in our community.

**NOW, THEREFORE, I, WAYNE R. TUGGLE, SR.**, Mayor of the City of Eden, do hereby proclaim **November 11, 2015, as Veterans Day**. I encourage all citizens in the City of Eden to recognize the valor and sacrifice of our veterans and I call on all civic and fraternal organizations, places of worship, schools, and communities to support this day with commemorative expressions and programs.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 20<sup>th</sup> day of October, in the year of our Lord two thousand fifteen.

Wayne R. Tuggle, Sr.,  
Mayor

b. Proclamation: Red Ribbon Week

Mayor Tuggle read the following proclamation in recognition of Red Ribbon Week.

**RED RIBBON WEEK**

**WHEREAS**, communities across America have been plagued by the numerous problems associated with illicit drug use and those that traffic in them; and

**WHEREAS**, there is hope in winning the war on drugs, and that hope lies in education and drug demand reduction, coupled with the hard work and determination of organizations such as the General Nathaniel Greene Young Marines of the Marine Corps League to foster a healthy, drug-free lifestyle; and

**WHEREAS**, governments and community leaders know that citizen support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and

**WHEREAS**, the red ribbon has been chosen as a symbol commemorating the work of Enrique “Kiki” Camarena, a Drug Enforcement Administration Special Agent who was murdered in the line of duty, and represents the belief that one person can make a difference; and

**WHEREAS**, the Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts; and

**WHEREAS**, October 23-31 has been designated National Red Ribbon Week, which encourages Americans to wear a red ribbon to show their support for a drug-free environment; Now

**THEREFORE, I, WAYNE R. TUGGLE, SR.,** Mayor of the City of Eden, do hereby proclaim **October 23-31, 2015, as**

**RED RIBBON WEEK**

in the City of Eden and urge all citizens to join me in this special observance.

**IN WITNESS WHEREOF,** I have hereunto set my hand this 20<sup>th</sup> day of October, in the year of our Lord two thousand fifteen.

Wayne R. Tuggle, Sr.,  
Mayor

c. Recognition: Riverfest Volunteers

Mayor Tuggle asked Ms. Cindy Adams, Tourism & Events Coordinator, to come forward to recognize the Rivefest volunteers.

Ms. Adams recognized the following Riverfest volunteers: Todd Harden, Carl Booth, Clint Simpson, Sam Shelton and Jimmy Dillon. (*Todd Harden and Clint Simpson were not present*).

SET MEETING AGENDA:

A motion was made by Council Member Epps seconded by Council Member Hampton to set the meeting agenda. All Council Members voted in favor of this motion.

PUBLIC HEARINGS:

- a. Consideration, approval and adoption of a resolution of Aging, Disability, and Transit Service (ADTS) of Rockingham County to enhance the mobility for seniors and individuals with disabilities grant for the SKAT bus system.

Mayor Tuggle called for a public hearing and asked Mr. Mike Dougherty, Director of Business & Economic Development to come forward.

Mr. Dougherty introduced Ms. Megan O'Dell, Director of Transit Services.

Ms. O'Dell explained the purpose of the public hearing and that the grant was in concert with the Aging, Disability and Transit Service(ADTS) of Rockingham County to enhance the mobility for seniors and individuals with disabilities. She explained that this grant was for the SKAT bus system. The performance period for this grant will be from July 1, 2016-June 30, 2017.

She explained that the SKAT bus system has been in place for 3 years and has helped numerous citizens with transportation. She explained that the amount has increased slightly from last year. Last year it was in the amount of \$131,250 and they are asking for \$142,000 in the grant application for next fiscal year. She added that amount was due to unforeseen circumstances that may occur.

The matching grant which was the city's portion was again 10% and equals about \$14,200. This will be offset by the fares collected, the advertising revenue and any other grant.

Mayor Tuggle stated that he could vouch for this system. He had spoken with people who ride the bus and they have told him without it they would not have any opportunity to buy groceries or get medical support or they could not go to the Goodwill Center to look for jobs so he thought this had turned out to be one of the better things that had been done in this city. He asked her if the numbers were still 1200 to 1600 a month.

Ms. O'Dell replied that was correct.

Mayor Tuggle stated that with this being a Tier I county it really made a difference for those who could not get around. He thanked them for what they do.

Council Member Burnette asked if the feeder routes meant they were really expanding that service to which she replied in the affirmative.

Ms. O'Dell added that the five year goal initially was to get everything launched and Western Rockingham launched in May of this year so now there were connections between all three areas. Now the goal is to give that access to those people who were not on the current route, Ruffin, Bethany, Huntsville and the outerlying areas of Eden. They were currently in the research and development phase of this area so that they could use the existing RCATS vans to bring some of those people into the route.

Council Member Burnette stated that was his question, would it require an additional vehicle or would they just use existing vehicles.

Ms. O'Dell replied they would use the existing fleet.

Council Member Ellis asked if they had anybody ask about the covers for the benches.

Ms. O'Dell explained that they were trying to make sure that some of these stops were going to be forever stops before they invested money into shelters. She thought they had identified some and were going to try to partner with NCDOT on another grant to be able to get some of those. The last time they checked the shelters cost about \$5,000 for a handicap accessible.

Mayor Tuggle asked if anyone would like to speak in favor or in opposition of this request. As no one came forward to speak he then declared the public hearing closed.

A motion was made by Council Member Burnette seconded by Council Member Carter to adopt the resolution for Aging, Disability, and Transit Service (ADTS) of Rockingham County to enhance the mobility for seniors and individuals with disabilities grant for the SKAT bus system. All Council Members voted in favor of this motion.

#### **PUBLIC TRANSPORTATION 5310 PROGRAM RESOLUTION**

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Status and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for public transportation projects; and

WHEREAS, the purpose of the Section 5310 program is to enhance mobility for seniors and individuals with disabilities throughout the country, by removing barriers to transportation services and expanding the transportation

mobility options available. Toward this goal, FTA provides financial assistance for transportation services planned, designed, and carried out to meet the special transportation needs of seniors and individuals with disabilities in all area.

WHEREAS, NCDOT has been designated as the State agency with principle authority and responsibility for administering the Section 5310 Program for small urbanized and rural areas; and

WHEREAS, (Legal Name of Applicant) City of Eden, NC hereby assures and certifies that it will comply with the federal and state statutes, regulations, executive orders, and all small administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U.S.C.

NOW, THEREFORE, be it resolved that the (Authorized Official's Title)\* City Manager of (Name of Applicant's Governing Body) City of Eden, NC is hereby authorized to submit a grant for federal and state funding, provide the required local match, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide public transportation services.

I (Certifying Official's Name)\*Wayne Tuggle (Certifying Official's Title) Mayor of City of Eden, NC do hereby certify that the above is true and correct copy of an excerpt from the minutes of a meeting of the (Name of Applicant's Governing Board) City Council duly held on the 20<sup>th</sup> day of October, 2015.

Wayne R. Tuggle, Sr.,  
Mayor

#### REQUESTS AND PETITIONS OF CITIZENS:

Mr. Bill Moody, 829 Jay Street, addressed the City Council.

Mr. Moody explained that he was there to let people know that he had seen the signs that were posted that read "Fire Jim Burnette" and he just wanted to say that he had nothing to do with it, he did not know who put them out but that it was an embarrassment to everyone.

He wanted to let them all know in a public forum that he was very sorry that it happened. He added that he hoped he did not find out who did it. He appreciated everything that the City Council was doing and they have done a fine job. He did not have anything against anybody on the City Council he just had some ideas that he wanted to present if he was elected to the Council.

Council Member Burnette stated that they have both talked about it as well. He had people who have questioned him about the signs and he had told them that he knew Mr. Moody and was sure he had nothing to do with those signs.

Ms. Shelby Rhyne, 102 E. Murphy Street, Madison, Executive Director, Rockingham County Tennis Association, addressed the City Council.

Ms. Rhyne explained that she wanted to let the City Council know what her organization did and to make the City Council aware of their involvement with the area youth. She gave them a copy of her business card that included an email address, telephone number, website location at [www.rockingham.usta.com](http://www.rockingham.usta.com) as well as where they could be found on Facebook under RCyouthtennis.

Ms. Jennifer Boyte, 435 Greenway Drive, addressed the City Council.

Ms. Boyte explained that she was present on behalf of the Womens League of Eden. They knew that the county had launched a curbside recycling program. They were there to ask for the City Council's consideration of the curbside program for Eden. She explained that they realize that this would be an increase to the lifespan of the county landfill. They also understand that this would be an increase to the cost to the water and sewer bills for city residents. One thing that she did want to talk about was at least at some point during the week or month people buy soda, bottled water, or styrofoam takeout and these items cost between \$1.00 and \$2.00. These containers have to be disposed of. This was waste and waste they did not want in their landfill. The cost of one or two of these items at \$1.00 or \$2.00 would be what it would cost to add to water and sewer. It would be the cost of a minimal increase to city residents but they would be benefitting so much more from it. It would also give residents the gratification of knowing they were improving the quality of life of their city by taking care of their landfill. She could not help but notice when she came in that every single one of them has a plastic container. At the end of the night when they put those in the trash, just once a month, over twelve months just think about the space that it will take up in the landfill. *(Note the City Council and staff send plastic bottles to the recycling center).*

They know that the recycling centers in Eden were being utilized and it was truly important to residents. They have a beautiful city and they want others to enjoy their city.

Mayor Tuggle explained that he wanted to give them some information.

Ms. Johnson commented that she realized that she did not know all the information.

Mayor Tuggle explained that nobody did as it was more complex than most people would ever realize. Of course they thought that recycling was important. He stated that they were the only city in Rockingham County who had 6 recycling locations and a recycling center. Also, they were told that all citizens in Rockingham County would pay \$1.21 per person but if Reidsville were to do it, their residents would pay \$3.15 and if Eden goes in with them it would be \$2.85 per person. So, city residents would pay double the fee. He explained that according to the contract (Waste Management) the county was voluntary but it was mandatory that municipalities require everybody to do it. So, the county gets it for \$1.21 but city residents would pay \$2.85 and were paying county taxes anyway.

There were also other things to consider. He explained that he would be glad to come before the women's club and let them know to which Ms. Johnson replied that would be great.

Mayor Tuggle explained that of course Miller just left, so the city just lost 900 million gallons of water with Miller. Probably they could easily lose \$1.4 million dollars. To lose 900 million gallons of water was a lot of water but not only that, the city was under an Administrative Order from the EPA. When this originally started it was \$48 million dollars. Eden was the only city in the whole State of North Carolina under this order and if they were non compliant then they could be fined \$37,500 per day and they can put the Mayor and the City Council in jail for which he would resign before it got to that point.

The EPA means business and told them that it had to be done within five (5) years. To come up with \$48 million in five years would bankrupt the city. He explained that they have asked if they could go from five years to twenty (20) years and we are down to \$36 million now because they have been averaging about \$4 million a year for the last 8 years. They have to keep in mind, they know without a doubt that from 1987 to 2000 the city had close to 2 million sanitary sewer overflows. That has been improved about 95 percent and nobody in North Carolina could compare with where they were right now. So, with that being the case, they need to keep in mind the water and sewer rates. The refuse collection was figured in with that rate. Residents look at that as one bill when it was actually three (3) utilities. So, they have to keep that in mind when they add three more dollars to it. They know that with this EPA order they were going to have to increase water and sewer rates. They did not want to but with the risk of \$37,500 a day they had to be very careful. He did not want them to think that they just looked at this and were not paying attention. They as a Council did not take any of this lightly, they would love to do it but there was a whole lot more to consider than just adding \$3.00 to a bill. He explained that if the EPA holds to five years, there was no telling how high water and sewer rates would have to go and they would have no choice in it. They had to be very careful as to what they were adding to their water and sewer bills. He explained that they had to consider what was best for their city and their citizens.

Ms. Johnson stated that she would like for them to consider it. It would be progressive for them to do it if it was at all feasible. She knew that it was a cost to the residents but she thought it would be great for them.

Mayor Tuggle stated that she was preaching to the choir, but they had to keep in mind that there were 15,000 people in the City of Eden and everybody could not pay their water and sewer bill. He questioned how many residents were cut off on a monthly basis as it was probably about 90 people a month. So, there were a lot of people who did not have the ability to pay. He thanked her for speaking.

#### UNFINISHED BUSINESS:

*No Unfinished Business Scheduled.*

#### NEW BUSINESS:

*No New Business Scheduled.*

#### REPORTS FROM STAFF:

*No Reports Scheduled.*

#### CONSENT AGENDA:

- a. Consideration and Approval of Minutes for September 15, 2015.

b. Consideration and Approval of Vehicle Financing for 5 Years; (2) 2015 Chevrolet C&D Service Truck, 2015 Chevrolet Municipal Service Truck, 2015 Street Service Truck and Adoption of Resolution.

In the 2015-2016 Budget, City Council approved to purchase (2) new service truck for the Collections & Distribution department, a new truck for the Municipal Services director, and a new service truck for the Streets department. All these items have been set up in the budget to be financed. On September 28, 2015 I requested bids from our local banks for the financing and received the following quotes:

BB&T	1.36%
Carter Bank & Trust	1.65%

The lowest quote is from BB&T at 1.36%. The annual payments will be approximately \$31,800 which is within the budgeted amount of \$37,600. 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 vehicles, (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 October 6, 2015. The amount financed shall not exceed \$154,745.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.36%, and the financing term shall not exceed January 31, 2019.
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. 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 20<sup>th</sup> day of October, 2015.

By: Wayne R. Tuggle, Sr.,  
Title: Mayor

c. **Approval and Adoption of Amended Reimbursement Resolution for Tanyard Branch Sewer Outfall Project.**

Please find attached the Amended Reimbursement Resolution for the Tanyard Branch Sewer Outfall Project. We need the reimbursement resolution in place so that if we use any Water & Sewer Fund Balance to pay for the city's portion of expenditures we will be able to reimburse the Water & Sewer Fund Balance with the loan proceeds should the city do an installment purchase.

The Tanyard Branch Outfall is a particularly bad section of the Bridge Street Pump Station Basin. There are serious issues in the outfall piping that contribute significant inflow/infiltration to the Bridge Street Pump Station Basin. It has been the location of recurring sanitary sewer overflows (SSOs). WK Dickson revised the total cost for the Tanyard Branch Outfall sewer rehabilitation project on September 25, 2015 and the city's portion increased from \$908,538 to \$950,474.93. The remaining funds for the project will come from a principal forgiveness loan from the NC Clean Water State Revolving Fund and a principal forgiveness loan from the NC Clean Water Management Trust Fund combined with a 0% interest twenty-year loan from the NC Clean Water State Revolving Fund. The cost estimate of this project has increased significantly since the first estimate was done in August 2011 due to stricter stream buffering requirements which has resulted in the re-routing of the sewer around several structures as well as the need to upsize a portion of the line from a 12" line to a 15" line. Construction is on-going and we anticipate completing this project during FY 2015-16.

**RESOLUTION OF THE CITY OF EDEN, NORTH CAROLINA DECLARING THE INTENT OF THE CITY TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE TANYARD BRANCH SEWER OUTFALL PROJECT FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN THE FISCAL YEAR 2015-2016.**

WHEREAS, the Eden City Council (the "Council") has determined that it is in the best interests of the City to finance the construction, renovation, and improvements of certain projects within the City known as the Tanyard Branch Sewer Outfall Project (the "Project"); and

WHEREAS, the City presently intends, at one time or from time to time, to finance all of a portion of the costs of the Project with proceeds of tax-exempt obligations and reasonably expects to execute and deliver its tax-exempt obligations (the "Obligations") to finance, or to reimburse itself for, all or a portion of the costs of the Project; and

WHEREAS, on April 21, 2015, the City adopted a Resolution wherein it declared its official intent under Section 1.150-2 of the Treasury Regulation promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the City's intent to reimburse its Water & Sewer Fund for the Original Expenditures from proceeds of the Obligations; and

WHEREAS, Said Resolution adopted on April 21, 2015 stated that the City reasonably expected to execute and deliver the Obligations in the Fiscal Year 2015-2016 to finance all of a portion of the costs of the Project and the maximum principal amount of Obligations expected to be executed and delivered by the City to pay for all or a portion of the costs of the Project, which amount is subject to change, is expected to be \$908,538; and

WHEREAS, during the course of the Project, costs of the Project have exceeded the \$908,538 that was originally stated in the Resolution and the City desires to adopt a new Resolution declaring its intent to reimburse expenditures in addition to the \$908,538 stated in the original Resolution adopted on April 21, 2015; and

WHEREAS, The City desires to proceed with the Project and will incur and pay certain expenditures in connection with the Project prior to the date of execution and delivery of the Obligations (the "Original Expenditures"), such Original Expenditures to be paid for originally from a source other than the proceeds of the Obligations, and the City intends, and reasonably expects, to reimburse its Water & Sewer Fund for such Original Expenditures from a portion of the proceeds of the Obligations to be executed and delivered at a date occurring after the dates of such Original Expenditures.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Eden City Council as follows:

Section 1. **Official Declaration of Intent.** The City presently intends, and reasonably expects, to reimburse its Water & Sewer Fund for the Original Expenditures incurred and paid on or after the date occurring 60 days prior to the date of adoption of this resolution from a portion of the proceeds of the Obligations. The City reasonably expects to execute and deliver the Obligations in the Fiscal Year 2015-2016 to finance all of a portion of the costs of the Project and the maximum principal amount of Obligations expected to be executed and delivered by the City to pay for all or a portion of the costs of the Project, which amount is subject to change, is expected to be \$950,474.93.

Section 2. **Compliance with Regulations.** The City adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulation promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the City's intent to reimburse its Water & Sewer Fund for the Original Expenditures from proceeds of the Obligations.

Section 3. **Itemization of Capital Expenditures.** The Director of Finance for the City, with advice from the City Attorney, is hereby authorized, directed and designated to act on behalf of the City in determining and itemizing all of the Original Expenditures incurred and paid by the City in connection with the Project during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Obligations.

Section 4. **Effective Date.** This Resolution is effective immediately on the date of its adoption.

Adopted and Approved this 20 day of October, 2015.

Wayne Tuggle, Mayor

Attest:

Sheralene Thompson, CMC, MMC, NCCMC  
City Clerk

d. Approval and Adoption of Amended Reimbursement Resolution for Water & Sewer Construction Projects.

Please find attached the Reimbursement Resolution for Water Construction Projects: Automatic Flushing Device Installations, Caleb Street WL Upgrade, W. Harris Place WL Replacement, Victor Street WL Replacement, Front & Burgess Street WL Replacement, Sewer Construction Projects: Covenant Branch, and Condition Assessment. We need the reimbursement resolution in place so that if we use any Water & Sewer Fund Balance to pay for the city's portion of expenditures we will be able to reimburse the Water & Sewer Fund Balance with the loan proceeds should the city do an installment purchase.

**RESOLUTION OF THE CITY OF EDEN, NORTH CAROLINA DECLARING THE INTENT OF THE CITY TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH WATER CONSTRUCTION: AUTOMATIC FLUSHING DEVICE INSTALLATIONS, CALEB STREET WL UPGRADE, W. HARRIS PLACE WL REPLACEMENT, VICTOR STREET WL REPLACEMENT, FRONT & BURGESS STREET WL REPLACEMENT. SEWER CONSTRUCTION: CONVENANT BRANCH, AND CONDITION ASSESSMENT PROJECT FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN THE FISCAL YEAR 2015-2016.**

WHEREAS, the Eden City Council (the "Council") has determined that it is in the best interests of the City to finance the construction, renovation, and improvements of certain projects within the City known as Water Construction: Automatic Flushing Device Installations, Caleb Street WL Upgrade, W. Harris Place WL Replacement, Victor Street WL Replacement, Front & Burgess Street WL Replacement, Sewer Construction: Covenant Branch, and Condition Assessment Project (the "Projects"); and

WHEREAS, the City presently intends, at one time or from time to time, to finance all of a portion of the costs of the Projects with proceeds of tax-exempt obligations and reasonably expects to execute and deliver its tax-exempt obligations (the "Obligations") to finance, or to reimburse itself for, all or a portion of the costs of the Projects; and

WHEREAS, the City desires to proceed with the Projects and will incur and pay certain expenditures in connection with the Projects prior to the date of execution and delivery of the Obligations (the "Original Expenditures"), such Original Expenditures to be paid for originally from a source other than the proceeds of the Obligations, and the City intends, and reasonably expects, to reimburse its Water & Sewer Fund for such Original Expenditures from a portion of the proceeds of the Obligations to be executed and delivered at a date occurring after the dates of such Original Expenditures.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Eden City Council as follows:

**Section 1. Official Declaration of Intent.** The City presently intends, and reasonably expects, to reimburse its Water & Sewer Fund for the Original Expenditures incurred and paid on or after the date occurring 60 days prior to the date of adoption of this resolution from a portion of the proceeds of the Obligations. The City reasonably expects to execute and deliver the Obligations in the Fiscal Year 2015-2016 to finance all of a portion of the costs of the Project and the maximum principal amount of Obligations expected to be executed and delivered by the City to pay for all or a portion of the costs of the Projects, which amount is subject to change, is expected to be \$549,525.07.

**Section 2. Compliance with Regulations.** The City adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulation promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the City's intent to reimburse its Water & Sewer Fund for the Original Expenditures from proceeds of the Obligations.

Section 3. **Itemization of Capital Expenditures.** The Director of Finance for the City, with advice from the City Attorney, is hereby authorized, directed and designated to act on behalf of the City in determining and itemizing all of the Original Expenditures incurred and paid by the City in connection with the Projects during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Obligations.

Section 4. **Effective Date.** This Resolution is effective immediately on the date of its adoption.

Adopted and Approved this 20 day of October, 2015.

Wayne Tuggle, Mayor

Attest:

Sheralene Thompson, CMC, MMC, NCCMC  
City Clerk

e. **Consideration of Recommendation to Accept Bid on 1209 Irving Avenue.**

The City has received a bid on the house and lot located at 1209 Irving Avenue in the amount of \$2,307.50 from Wendell Roberts. The tax value of the property is \$9,492.00.

The advertisement for bids was run in the Eden Daily News on July 19 and July 22, 2015. After receiving an upset bid an advertisement for bids was run on August 2, August 12 and August 23, 2015. No upset bids were received after the publication on August 23, 2015.

The City of Eden filed legal action against the previous owners of the property for nuisance abatement fees due in the amount of \$1,406.51. In addition to the nuisance abatement fees, the City incurred legal expenses of approximately \$831.25.

In addition to the nuisance fees and legal expenses, we incurred an expense for the advertised for bids. The property is being sold subject to unpaid property taxes. The amount due for property taxes as of October 7, 2015, is \$4,062.63.

In my opinion, our best outcome is to sell the property, regain what we can and encourage the owner to improve the house on the lot.

Based upon the foregoing information and the fact that we continue to have to mow and maintain the property, I recommend that the City Council accept the bid.

A motion was made by unanimous consent to approve the Consent Agenda. All Council Members voted in favor of this motion.

CITIZENS ACADEMY GRADUATION:

Participants of the 2015 Citizens Academy were recognized at this time.

ANNOUNCEMENTS:

Citizens Academy Reception.

October 20, 2015

City of Eden, N. C.

Minutes of the regular October 20, 2015 meeting of the City Council, City of Eden:

ADJOURNMENT:

A motion was made by unanimous consent to adjourn. All Council Members voted in favor of this motion. This motion carried.

Respectfully submitted,

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Sheralene S. Thompson,  
CMC, MMC, NCCMC  
City Clerk

ATTEST:

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Wayne R. Tuggle, Sr., Mayor