

## CITY OF EDEN, N.C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, August 15, 2000 at 7:30 p.m. in the Council Chambers, 338 West Stadium Drive. Those present for the meeting were as follows:

Mayor:	Philip K. Price
Mayor Pro Tem:	John E. Grogan
Council Members:	Ronald H. Reynolds
	Ronald L. Janney
	(absent) Christine H. Myott
	William W. Rorrer
	C.H. Gover, Sr.
	Garry Tudor
Interim City Manager:	Peter G. Bine
City Attorney:	Charles J. Nooe
City Clerk:	Kim J. Scott
Administrative Staff:	Sheralene Thompson

Representatives from City Departments:

Representatives from News Media:

Daniel Bayer, The Daily News, Leslie Brown, Greensboro News & Record

MEETING CONVENED:

Mayor Price 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:

Due to the absence of the pastor, Council Member Garry Tudor gave the invocation.

PROCLAMATION:

Mayor Price asked Ms. Susan Albert, representative of the Muscular Dystrophy Foundation and Fire Chief, Ronnie Overby to come forward for the reading of the Eden Fire Department's "Fill the Boot Days" Proclamation.

PROCLAMATION  
EDEN FIRE DEPARTMENT  
"FILL THE BOOT DAYS"

WHEREAS, the Eden Fire Department will be working with the Muscular Dystrophy Association in their fight against neuromuscular disease; and,

WHEREAS, the Eden Fire Department will spend many hours collecting money on the streets for the MDA "Fill-the-Boot" campaign; and,

WHEREAS, Firefighters locally and nationally are the largest contributor to the MDA, collecting more than 13 million dollars in 1999 to help fight the forty neuromuscular diseases associated with the MDA.

THEREFORE, I Phil Price, Mayor of Eden, and on behalf of the City of Eden, do hereby proclaim August 1, 2000 through August 31, 2000 as:

EDEN FIRE DEPARTMENT  
"FILL THE BOOT DAYS"

s/Philip K. Price  
Philip K. Price, Mayor

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ADDITIONS OR DELETIONS TO AGENDA:

Mayor Price noted that agenda item 9(b) was deleted.

*9 Items for Council's Review/Approval – Financial:*

Mr. Bine explained that he had a number of items for their consideration and he reminded the Council that the Manager was required by policy to bring to them, for their approval, the payment of bills in excess of \$5,000. He asked the Council if they would agree to add the items to the agenda.

A motion was made by Council Member Gover seconded by Council Member Grogan to add those items to the agenda. All Council Members present voted in favor of this motion. This motion carried.

*Status of Truck Route; Status of Fieldcrest Road Project; Discussion of old buildings & cars; and Drainage at the back of City Hall:*

Council Member Gover explained that he would like to know the status of the Truck Route that the Council passed in May. He stated that he would also like to know the status of the Fieldcrest Road project as well as old buildings and cars that they have talked about, and the drainage at the back of the City Hall.

A motion was made by Council Member Gover seconded by Council Member Tudor to add the following items to the agenda: Status of Truck Route Study; Fieldcrest Road project; old buildings & cars, and the drainage at City Hall. All Council Members present voted in favor of this motion. This motion carried.

*Report on the Exact Amount of Money not Collected on the Water & Sewer Deficit:*

Council Member Janney explained that he wanted to get a report on the exact amount of money that the city had not collected from the water & sewer deficit.

A motion was made by Council Member Janney seconded by Council Member Gover to add a report on the exact amount of money not collected on the Water & Sewer Deficit. All Council Members present voted in favor of this motion. This motion carried.

PUBLIC HEARINGS:

- (a) Consideration of a zoning text amendment request to amend Section 11.25 Off-Street Parking and Loading of the City of Eden Zoning Ordinance pertaining to parking requirements in a shopping center. Request submitted by Joseph E. Maguire, Authorized Representative for Eden Meadow Greens Associates, L.P., ZONING CASE Z-00-07.

Mayor Price called the public hearing and asked Mrs. Kelly Stultz, Director of Planning & Inspections, to come forward with a report.

Mrs. Stultz explained that the Planning Board recommended approval of this request as did the Planning staff.

The request was to reduce the number of off-street parking spaces required for shopping centers within the City of Eden's planning jurisdiction. The City's Zoning Ordinance currently treats shopping centers like all other retail uses in requiring one (1) parking space for each two hundred (200) square feet of gross floor area. This did not take into account the grouping of businesses and the resulting overlapping parking provisions.

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In recent years the national trend has been to discourage the requirement of asphalt oceans in front of shopping centers and to more efficiently use the valuable property on which such uses are located. The relaxing of the parking requirements will permit further development of the centers and therefore contribute to their long term viability.

Staff was of the opinion that the addition of specific parking requirements for shopping centers of one (1) parking space for each two hundred fifty (250) square feet of gross floor area would be appropriate and based upon the foregoing information, staff recommended in favor of this request.

Mayor Price asked if anyone would like to come forward to speak for or against the proposal. As no one came forward, Mayor Price declared the public hearing closed.

A motion was made by Council Member Tudor seconded by Council Member Gover to approve this request. All Council Members present voted in favor of this motion. This motion carried.

- (b) Consideration of a zoning map amendment request to rezone a parcel of land east of The Oaks from Residential-12 to Industrial-2. Request submitted by D.R. Development Corporation. ZONING CASE Z-00-08.

Mayor Price called the public hearing and asked Mrs. Stultz to come forward with a report.

Mrs. Stultz explained that the Department recommended in favor of this request as did the Planning Board.

This request was to rezone approximately seven (7) acres of land adjoining the Duke Power Steam Plant property. She noted that there was also a sliver between there that was zoned Residential. The subject property was a part of a large tract of land that has been being developed since the late 1980's.

The property in question directly adjoins an industrial site and is planned for development to extend with that utility that is there. The property is in a flood hazard area which would impact its development potential.

Staff was of the opinion that this minor extension of the industrial use to the west would not negatively impact the surrounding residential areas. There is a buffer between the site and the residential uses to the north and west. She stated that based upon the foregoing, staff recommended approval of the request.

Council Member Janney noted that the property was in a flood hazard area. He asked what they could do with it.

Mrs. Stultz replied that did not always preclude development but it did make it more difficult. She explained that her understanding of this particular site was that the Duke Power Steam Station needed to do some dredging and sand removal for the plant's operation and this was the spot they could do it on and in order to do it the site had to be rezoned.

Council Member Janney stated that when something was zoned a particular zone, they could put anything in that zone that was in that particular (zoning) list, but the flood hazard, he asked if that would hinder following all the items that was in I-2.

Mrs. Stultz replied that it would.

Council Member Janney stated that he knew that they could not even ask what they were going to do with it

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Mrs. Stultz replied no, it was really a gap, being in a flood hazard area, and it was in the 100 year flood plain, which was the most stringent of those requirements and did make it tricky. She added that it was right there along the river near Duke Power and it would be accessed that way. This was one of those times when, if they had some different provisions in their ordinance, they might have done it a different way.

Council Member Gover questioned the run off from the pumping. He asked if it would stay on this 7 acres or would it be allowed to go back or how it would be controlled.

Mrs. Stultz replied that she could not really answer that question. She explained that it would be something that would be dealt with at the time they come in to make applications, both to the State and to the city, to get the permits. She stated that the Division of Environment and Management would handle how that was done. She added that the fact that the property was in a flood hazard area makes the requirements for them to deal with DEM that much more stringent.

Mayor Price asked if anyone would like to come forward to speak for or against the proposal.

Mr. Mike Corum, 124 Oak Ridge Drive, explained that he had several questions. He stated that he was not sure what encompassed Industrial-2.

Mrs. Stultz explained that Industrial-2 was the most liberal industrial zoning district and Mayor Price added that an example of that would be the Duke Power facility.

Mr. Corum asked if that meant it would be accessible 24 hours, 7 days a week to which Mrs. Stultz replied in the affirmative. Mr. Corum asked if there were restrictions, as far as noise and emissions.

Mrs. Stultz replied that it would be the same ones that would apply any other time that they have an industrial development in place. She explained that emissions would go back to the State and their environmental control. The city did have ordinance provisions for noise but it did not have anything that she could regulate as far as a particular decimal range.

Mayor Price pointed out that since Duke Power runs 24 hours he was sure it could be a 24-hour operation.

Mr. Corum questioned accessibility and asked if they would ever need to come through the Oaks to get there.

Mrs. Stultz replied no and in order for a road to be put there a subdivision plat would have to be done.

Mr. Corum stated that his concern would be, if they did this zoning, if they automatically give some kind of a right of way, that they (citizens) could not prevent to which Mrs. Stultz replied, no.

Mr. Corum stated that they did not want a lot of industrial traffic running through there. He stated that someone answered his question about the flood plain. He stated that he had heard that they were going to do some dredging. He asked if that increased the possibility of flooding, if they were damming or dredging.

Mr. Bine commented that by definition, dredging a river, they were increasing the volume capacity.

Mr. Corum asked if they would not have to dam it to catch it.

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Mr. Bine replied no, usually the dredging operation was like a vacuum. He referred to the beach where they move sand. He explained that they have a series of pipes and they suck it up with water and then pipe it over to another place, it then settles out and the water runs off and probably back into the river and the sand settles on the ground.

Council Member Grogan commented that he lived nearby and he was told and assured that it would be no more noise than Duke Power already made.

Council Member Gover added that the dredging of sand would not be 24 hours a day. There was not enough sand in there to do that, it was just that they were trying to build out cooling capacity and they must move this sand to do that.

Mr. Corum explained that they just wanted to protect their interests so they would be remiss if they did not ask questions.

As there were no others who wished to speak to Council, Mayor Price declared the public hearing closed.

A motion was made by Council Member Gover seconded by Council Member Grogan to approve this request. All Council Members present voted in favor of this motion. This motion carried.

CITY COUNCIL WORK SESSION SCHEDULED:

Mayor Price announced the City Council's first work session planned for Tuesday, September 5<sup>th</sup>, at 7:00 p.m. in the City Hall conference room.

MONTHLY FINANCIAL REPORT:

(a) Finance Department Monthly Reports.

The memorandum presented to Council contained the Financial Reports for the month of July 2000.

Mayor Price asked Mr. Ray Sharp, Finance Director, to come forward for his report.

Mr. Sharp presented the monthly financial statement and explained that they have before them the financial reports for July 2000.

He explained that on page 2 of 12 was a brief summary. The Undesignated Fund Balance was down \$440,533 from where it was originally reported June 30<sup>th</sup> and they were under their 3 month goal by \$139,059, which was \$332,783 less than it was a month ago.

He then referred to page 3 of 12, the computation of the Designated Fund Balance. The Accounts Receivable was down \$15,900, the Tax Fund Receivable was up \$12,484, the Refunds were up \$1,850, the Prepaid Expenses were down \$33,900 and the amount required by State Statue was down \$35,460.

Mayor Price stated that have never had anything from the ABC Board although he knew that they have made payments to the city to which Mr. Sharp replied that they did, but they usually write a check and it was sent over once a quarter. If it were booked as a receivable, it would be reported there. He explained that receivables were not included and was a subtraction from cash for the computation of Undesignated Fund Balance. Any receivable reduces cash in the computation.

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Mr. Sharp continued in that Encumbrances were down \$34,660. The Powell Bill was up \$21,094, the Controlled Substance inventory remained the same, and again the Undesignated was down \$440,000. The total Cash for the General Fund was down \$508,463.

He noted that on the Water and Sewer Fund, the Receivables were down \$342,116 and the other Receivables were down \$1,352 and he noted that Prepaid Expenses were down \$3,794. He stated that the Requirement by State Statutes, if they were to compute this the same as they did the General Fund, it would be down \$344,557. The Encumbrances were up \$30,120 and the Undesignated Fund Balance (the same as the General Fund) would be up \$393,808. He stated that the Cash for the Water & Sewer Fund was up \$79,367.

Council Member Janney pointed out that Mr. Sharp was talking different numbers. He suggested that he put a column in showing the ups or downs to keep them from having to go back to the last month and figure them out.

After some brief discussion as to how this could be done, it was decided among Council that Mr. Sharp would have three columns showing this month, last month and the change.

Mr. Sharp noted that on page 5 of 12 through 8 of 12 was a brief summary of the Revenue and Expenditures for the funds, which was for one month. He explained that one month was 8.33%. He stated that as they go through there they would see that most of the departments were over that amount of money. He asked that they keep in mind that in July they pay their IRFFNC bill, worker's comp bill, and a number of other bills that are only paid one time a year. He noted that it would look like they spent a whole lot of money in the very first month of the year, but that was normal standard operating procedure.

He stated that overall, in the General Fund, Expenditures exceeded Revenue by \$531,283. July was a month that revenue was slow to come in and a lot of expenditures were going out.

He stated that for the Water & Sewer Fund, the Expenditures exceeded Revenue by \$245,978 and for the Garage, the Revenues exceeded the Expenditures \$10,381. He stated that the only other fund with a whole lot of activity was the Self-Insurance Fund where Revenues exceeded Expenditures by \$26,451. Mr. Sharp noted that they have a little more activity in the Single Family Rehab Fund for the month as they have started a new project and they would see some activity there for the next few months.

Mr. Sharp stated that over all, for the month of July, Expenditures exceeded Revenue this month by \$728,744. He asked if there were any questions.

Council Member Janney noted that if they look at the Temporary Investments on page 12 of 12, they were nine hundred and some thousand dollars less than they were July of 1999. He then referred to the sheet he had asked Mr. Sharp to give them, a revised June (statement sheet) and stated that if they look at it, right now he knew that they probably had 2 or 3 more weeks of bills and year to date they have spent \$1,000,000 more than what they budgeted. He stated that total revenue was 21 and total expenditure was 22. He added that was in the previous budget year and it showed as a deficit, they have spent more than they received in that year at this point.

Mr. Sharp agreed and Council Member Janney pointed out that they still have a couple more weeks.

Mr. Sharp explained that most of the expenditures were in, there were a couple more things they need to bill but they should have everything tied up in the next couple of weeks.

Council Member Janney asked, so they were a million dollars off...to which Mr. Sharp replied roughly \$752,000.

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Council Member Janney stated that he had a million one hundred and twenty-four and noted that he was on page 2 of 12.

Mr. Sharp explained that was the total for all the funds and some of those funds were funds that are open, such as project funds, which stay open year round. He stated that those funds take money out of their savings account or their fund balance to fund the projects because there was no revenue there. That kind of skewed that number a little bit as far as what they were backing up because that money was coming out of the savings account as opposed to revenue.

Mr. Bine commented that he had a discussion with Mr. Sharp in that it would be wise for them, over the next several months, to consider a process called a Project Budget. He explained that it would essentially establish a budget for a project, which the Council would decide on, whether it was the Highway 14 Sewer Project, the City Hall Project or whatever the project may be, and in establishing the Project Budget the Council would appropriate money from the appropriate funds in the Reserves usually or in the savings account, to the Project Budget, then those monies would not be counted in this financial statement.

Council Member Janney asked if they would have two separate reports.

Mr. Bine replied that actually they would have as many reports as they would have projects. He explained that what they would get into was a situation of almost double counting their money, which was not the right way to do it. He explained that if they were going to undertake a project, they needed to fund that project and set that money aside for that whole project, based upon what it's mid cost or engineering cost was, or whatever that cost may be, and then that project would run until it was completed, regardless of fiscal year. He stated that he thought that would help clarify issues and separate those monies, which now were getting sort of co-mingled.

Council Member Janney agreed and stated that he thought they had double counted money before. He stated that he could not prove that, but he was glad Mr. Bine had said it.

Council Member Gover commented that this was why he had continued to ask for the report on the project, they had to have money somewhere. He stated that this project idea was a great idea.

Council Member Janney stated that as long as he kept it to where that he would know what project he had, how much money he had, and how much he spent, and there was always the thing of skewing those numbers for this reason or that and never getting a full picture of what he had.

Mr. Bine stated that the clearer the picture that the Council had at the outset, when they make the decision to do a project and clear the public understanding of what those monies were for, then everybody was operating under the same information point. Then that money was put into a separate account and it was appropriated just for those expenditures.

After that discussion, Mr. Sharp continued with page 9 of 12. He noted that they started the month of July 1<sup>st</sup>, approximately \$191,882 less than they had July 1<sup>st</sup> of 1999 and they ended the month with \$607,542 less than they were a year ago.

He stated that the last two reports were the Summary of Cash and the Temporary Investments and he noted that their Temporary Investments were down.

Council Member Grogan had a question about expenditures to which Mr. Sharp explained that a number of items that he could point to was, for example, in the Water & Sewer Fund the Revenue was \$227,000, which was money moved from the Water & Sewer Fund Expenditures of \$480,000. They spent \$813,000 in the Capital Projects Fund for the building, and they moved money out of the Capital Reserve Fund to the Capital Projects Fund. For Self Insurance, they had to move money for that and the Water & Sewer Fund, the revenue was down there.

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REQUESTS AND PETITIONS OF CITIZENS:

Mr. James Spain addressed Council regarding auto accident debris:

Mr. James Spain, 711 South Elm Street, explained that he wanted to address Council about a growing problem that the city had. He referred to debris that was left on the street from auto accidents. He stated that it seemed like when those accidents happen, the quicker that Police could get traffic moving again without cleaning up the debris the better it seemed to be. He stated that there was an accident at the corner of Elm and Washington Street on August 1<sup>st</sup> that happened sometime prior to 7:00 p.m. He stated that it was below his house and as he was leaving, he saw the police cars and a wrecker. He stated that when he came back down Washington Street going west, he started to turn into the turn lane and almost got hit. There was a car traveling east on Washington and when he got up to where Elm Street was at, there was glass on the street and he immediately turned to dodge that glass. He stated that when he got home he called the Police Department and talked with one of the ladies and he was told that the officer was writing the report then. She added that she did not know whose responsibility it was to clean up this glass.

Mr. Spain continued by stating that the next morning, August 2<sup>nd</sup>, he went to see if the glass had been gotten up. He stated that Washington Street was still littered with glass. He noted that it looked like someone had taken a push broom and pushed the glass over to the side. He stated that he had called Council Member Reynolds wife and she indicated that she would pass it along to him. He stated that he talked with her twice that day.

He stated that after a day or two when nothing had been done he called another Councilman. He indicated that he would see to it that someone at the city addressed the problem. He stated that it did not get addressed so he called the Superintendent of the Solid Waste to find out whose responsibility it was to take care of that waste.

He stated that as of August 15<sup>th</sup>, if they went down Washington Street west and turn on South Elm Street, that debris was still laying at the curb, what had not washed in the storm drain. He noted that the storm drain was full of debris.

Mr. Spain noted that there was another accident on August 6<sup>th</sup> at the corner of Early Avenue and Hamilton Street, prior to 8:30. He stated that the only way one could get out of Early was to run through the glass and debris. He stated that the next morning the debris was still there. The only way that it moved was when cars pick it up in their tires or the wind blew it out.

He stated that it was a shame that a city the size of Eden, when there were auto accidents, for whatever reasons that debris was in the streets. He stated that they should have people that could handle the problem. He stated that he was not saying that the Police Officers were responsible for getting the debris up, but they certainly see it because they have to dodge it, and they could report it to the proper authorities to get it cleaned up. He stated that none of the Council would want this debris in front of their house and he certainly did not want it in front of his. He stated that he did not want it on any of the streets that he traveled.

He stated that on Washington Street, to where the traffic from Patrick Henry Bank, there had been a rear ending there with a big pile of debris that was left there in the street. He stated that no one seems to be concerned about it. There were city vehicles traveling those streets 50 and 60 times a day and someone needed to be responsible for it. He stated that he could not find out who was responsible, and he wanted to find out from the City Council, if they could not address this problem.

Mayor Price asked if anyone could address who was responsible for it to which Mr. Bine replied that it was his understanding that the wrecker service was responsible for cleaning up the debris.



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Captain Skip Johnson added that was correct and there was a written policy in place for that. He noted that there has been over 800 accidents this past year and many did not include wrecker usage, but in each of those incidents (that did) it was part of their duties. He stated that he did know they called wrecker services back on occasion.

Mayor Price stated that apparently there were some violations and asked if any of his people had observed that.

Captain Johnson replied that he was sure, in the 800 accidents that they had that some debris had been left on the roadway. He added that he was really not aware, other than Council Member Janney had called him about an accident at Meadow Road and Jackson and they sent the driver back over there. He stated that other than that he could not recall other incidents where someone had called and informed him that a wrecker had left debris on the roadway.

Mr. Spain spoke up and asked if he did not get the message on the wreck of August 1<sup>st</sup> on Washington Street, as many people as he had contacted, and the debris was still laying out there.

Mayor Price explained that they were trying to address the issue. He asked Captain Johnson to follow up with the wreckers and send a memorandum out to get it resolved. He also asked him to emphasize to his officers to report, it to which Captain Johnson agreed to do so.

Mr. Bine commented that he would have city crews go by Washington Street and Early Avenue and clean them up.

Mr. Spain stated that in regard to the same problem, it was not just auto accidents where they use wreckers. He stated that he thought a lot of the roadside debris was where people rear end another car, they get out and see that everything is okay, and do not call a wrecker. They drive away and the debris is left. He stated that a policeman or someone had to ride by and see that the debris was in the street and someone had to clean up that debris.

Mayor Price stated that frankly, when he saw things like that, he just called Public Works and asked them to come get it up. He suggested that he make that call.

Mr. Spain stated that he did that and he could not find out who was responsible.

Council Member Grogan suggested that they call the City Manager. He was the one to give the orders to.

Council Member Reynolds commented that his wife had called it in and Council Member Janney verified that because when he checked on it she had already called.

Mayor Price thanked Mr. Spain for bringing it forward.

Council Member Janney stated that he thought they needed to enforce the (wrecker) contract. He stated that he thought that when they had that contract with the wreckers, that that was a condition that they had to follow to keep that contract.

Council Member Reynolds addressed Council regarding a complaint.

Council Member Reynolds stated that he had called in a complaint about 3 weeks ago on McConnell Street and he had yet to hear from it. He stated that he would like to know if the City Manager found out what had been done. He stated that it was about a pot hole and a sidewalk.

Mr. Bine apologized in that it had never got to him.

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Mayor Price suggested that he get the information to Mr. Bine to handle.

UNFINISHED BUSINESS:

- (a) Consideration of Mebane Bridge WWTP Solid Management Alternatives Study Award for the Engineering Contract for Professional Services.

The memorandum explained that the Engineering Department sent out a Request for Proposals to eleven (11) engineering consultants for the Mebane Bridge WWTP Solids Management Alternatives Study. Upon receiving nine (9) responses from the firms and after conducting informal interviews with them, Dennis Asbury, Terry Shelton and Joe Stanley recommend award of the engineering professional services contract to Anderson and Associates, Inc.

A motion was made by Council Member Grogan seconded by Council Member Gover to approve this request. All Council Members present voted in favor of this motion.

- (b) Consideration of award of culvert replacements.

The memorandum explained that the Street Superintendent had received two (2) quotes from local contractors for the replacement of the culverts on Adams Street and Jackson Street. Both of these culverts are in need of replacement due to deterioration over the years. Also in the past there has been flooding due to the alignment of the pipe. During the replacement of the pipe it is the Street Departments intentions to straighten the pipe to coincide with the creek bed. This should eliminate flooding and erosion. The quotes that were submitted were from Sam W. Smith, Inc., in the amount of \$27,950 and from C.J. MacIsaac in the amount of \$23,970. It was recommended that the city accept the bid from C.J. MacIsaac. They have previously performed quality work for the city in other culvert replacements.

A motion was made by Council Member Gover seconded by Council Member Tudor to approve this request. (*C.J. MacIsaac \$23,970*). All Council Members present voted in favor of this motion.

NEW BUSINESS

- (a) Consideration of permission to issue a conditional offer of employment (COA).

The memorandum provided to Council explained that the Police Department has an entry level Police Officer position open. The position has been open for several months and they have had trouble filling it.

Officer Anthony Welch worked for the Police Department from 10/13/97 until 2/10/00 when he went to work for the Sheriff for considerably more money. He was already an experienced officer when the city hired him. Officer Welch has asked to be rehired by Eden and has followed the standard application procedure. He left the city in good standing.

The Police Chief requested permission to issue him a Conditional Offer of Employment and to bring him back at the same salary he was making when he left. That salary, according to Human Resources, was \$11.12 per hour.

A motion was made by Council Member Janney seconded by Council Member Reynolds to deny this request.

Council Member Reynolds reasoned that if an employee left, he did not think it was fair to the other employees. He thought that he should come back to square one to which Council Member Rorrer agreed.

Mayor Price commented that a couple of weeks ago he had the opportunity to speak to some law enforcement graduates from Rockingham Community College. He stated that the City of Eden to his knowledge got absolutely none of them to which Captain Johnson agreed that he was correct. He stated that the city was not attracting the type of officer that they would like to have.

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He added that he understood where they were coming from, but he thought that they were in a position to where they could attract talent and they should give some consideration to it.

Council Member Gover stated that they were more or less sitting there with their hands tied because it was a personnel issue. He stated that he personally did not know anything about the officer, but there should be a penalty, if a man leaves and wants to come back. He stated that in his years of management that was exactly the way he handled it.

Council Member Rorrer stated that he did not even see a recommendation from the Human Resources Director. He stated that it went a whole lot further than the Police Department. He stated that it went for anyone. If they were going to let them leave and then hire them back with what they left at, then they were really getting in trouble. He added that they were trying to straighten out everything now.

Council Member Grogan commented that a lot of times it was going to depend on the market force that was out there. He stated that if they had a person who worked for them and they took a job with more money, and they found out it was not as "rosy" on the other side, and wanted to come back, and it was a good employee, then it seemed to him they were shooting themselves in the foot (by not letting the person come back).

Council Member Gover asked what they would be doing to the employees behind him, trying to make advancement, if they bring this employee back into a slot where he may block another employee into making that advancement.

Mayor Price asked if anyone else would like to make comments to which Captain Johnson stated that he wanted to address the issue as to why they requested it. He explained that the Mayor had already mentioned the difficulty in recruiting. He stated that some of the bigger agencies were getting all the folks who were qualified. He stated that simply put, they were requesting the additional funds because they felt that an officer of this type, he had between 4 and 5 years total experience with 2 years and 4 months being with the City of Eden. He stated that he would be simply more valuable than a brand new recruit. He explained that it was based on the fact that he had already completed 1 to 3 months of Field Training Officer process. He stated that this particular officer has had a multitude of schools that it always takes the first 2 to 4 years for new people to get. He stated that he had this training already and would be working instead of going to those schools like a new recruit would be doing. He stated that he lived in Eden and had a good working knowledge of the geography of the city and the criminal element. He stated that he had also always worked part-time at the Georgia Avenue complex. He stated that they felt that he would actually be more valuable to the Police Department and the city dollar-wise than a brand new officer.

Council Member Gover explained that his concern was, what kind of signal were they sending their employees.

Captain Johnson added that he fully believed that the officer wanted to come back, regardless of what they wanted to pay him because he thought it was a nice place to work and he left in good standing.

Council Member Tudor commented that he thought everyone was right. He stated that they have an unusual circumstance there. They needed a good police officer and the presentation that Captain Johnson just gave, pretty much substantiated that they had a good person to employ. He stated that it was an unusual circumstance, and maybe they did not want to do a lot of this, but he thought that in this circumstance, maybe they should approve this person, but at the same time they did not want employees to think they could leave any time and the city would just take them back either. He stated that they needed police officers and until they make some improvements in their pay structure, they were not going to get them. He stated that this also lends credence

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that they needed to improve their pay structure for their employees and it was something they needed to talk about at the next work session. He stated that he would ask that even though they did not want to approve it, to approve it this one time.

Council Member Gover stated that there again, he was not against bringing the man back. He stated that it was bringing him back at full status, he could not follow that, not without some penalty.

Mr. Bine stated that he agreed with Council Member Tudor. He explained that the city was in a very enviable position. He explained that it was because they had the opportunity to evaluate an employee who left knowing full well all about that employee, whether or not he or she should be rehired, and that was a terrific opportunity. He added that he thought the Chief made a very good case for that. He noted that Council Member Gover mentioned a penalty and frankly he thought the people they were penalizing were themselves if they did not take an opportunity to hire a known quantity experienced officer.

Council Member Rorrer asked if they had made an effort to keep an officer that they just lost, one who was the least paid lieutenant they had to which Mr. Bine replied no.

Action on the motion was as follows: Council Members Janney, Rorrer, Reynolds and Gover voted in favor of this motion. Council Members Tudor and Grogan voted in opposition. This motion carried.

Council Member Rorrer commented that he felt that if they were going to have a request that involved something like this, it should come through the Human Resources Director. He stated that they may have been involved all along, but he did not see anything on paper that they were involved.

Mayor Price asked to what extent to which Council Member Rorrer replied that they had someone on the payroll who was supposed to be taking care of personnel. He stated that was his understanding of the position and he asked why they ignored it. He stated that was at least the way he saw the paperwork.

Mayor Price noted that the department head would make the request to which Mr. Bine agreed.

Council Member Rorrer agreed and added that the City Manager was involved in it. He asked where the Human Resources Director was involved in it at.

Mr. Bine replied that in his opinion, HR, other than being a department of the city, did not really have a role in this particular issue. He stated that it was whether or not this individual was of value to the Police Department and they tried to make that case and the Council felt differently, and that was fine. He stated that he did not know what role HR could have played.

Council Member Rorrer stated that from where he was coming from, the whole city was involved. He stated that if they did it in one place then the whole city was involved.

Council Member Gover agreed and stated that he did not understand why they had a Human Resource person if they did not deal with personnel. He stated that the Director could have had some input into it.

Captain Johnson stated that he went to the Human Resources office and talked with Ms. Blackstock to get the salary information. He stated that he was there, it was just that their names were not included in the recommendation.

Council Member Janney stated that he thought Council Members Rorrer and Gover were talking about something entirely different and he agreed with them. He stated that he did not see any need in having a Human Relations person if they were not going to use them for every personnel issue. He stated that they needed to be involved because, who would knock on their door tomorrow, saying, “the Council did this or that”, and they (HR) would have to answer those questions. He stated that was part of Human Relations.

Mr. Nooe commented that it was really more Human Resources, but there were aspects of a person’s performance, that that department would be more interested in than the facts than the Police Department or the City Manager may be interested in. They may be asking all the same questions, but there were things that, hopefully the Human Resources Officer would make sure, as there were circumstances, to ensure that the city would not be picking up a liability with nobody asking the right questions.

Council Member Grogan asked what the policy was to hiring somebody. He asked if the Personnel Department did a retail credit report to see if they paid their debts. He asked if they looked at those type things, such as felonies, otherwise, as far as a Department Head interviewing someone for a job, he did not think the Human Resource person would be the one to make that interview. He stated that he thought they would be involved as far as pay grade, salaries and getting that information.

Mr. Nooe stated that from his standpoint, the city may have factors to take into consideration that the Human Resources Officer should be aware of and could have to do with any number of issues, such as any orders that the city may be under with respect to employment.

Mayor Price stated that he thought Mr. Nooe was saying that it was purely a staff responsibility.

Mr. Nooe replied yes, he was not talking about making any decisions about whether the person should be hired or not, but he thought that they would do well to have the Human Resources Officer involved in the process before the final decision was made to make sure it did not conflict with some other things that might be detrimental to the city.

Mr. Bine assured them that they were endeavoring to ensure that the proper procedures for interview and hiring occur.

Mr. Nooe agreed, but stated that all of their departments have not been well trained in that.

Mr. Bine replied that they were in the process of developing forms and procedures to do that to make sure that the correct questions were asked. He stated that he was not saying that it was done improperly, but they were trying to ensure that all the appropriate laws regarding personnel were complied with.

Council Member Grogan pointed out that he did not want to “beat a dead horse”, but he questioned if there was a situation in a department where they were interviewing for a job and had someone with extraordinary experience, proven abilities etc., were they going to be allowed to hire that person ahead of a new employee, or were they just going to have new employees.

Mayor Price recalled that when they hired the personnel person, Mr. Nooe’s suggestion was to have that person as a staff position to make sure that all the “i’s” were dotted and “t’s” were crossed in regard to regulations...

Mr. Nooe explained his reasoning in that their department heads were not adequately trained in what all was involved in the employment process and hopefully it would reach that point.

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Mayor Price asked if that was what he was suggesting, to use that staff person in personnel to do that to which Mr. Nooe replied, until they knew that was happening (in every case).

(b) Consideration of amendment to IRFFNC Interlocal Agreement.

The memorandum provided to Council explained that the Interlocal Risk Financing Fund of North Carolina (IRFFNC) has requested approval reforming of the pool under the Interlocal Cooperation Statutes. The city's workers compensation program was formed under those statutes.

Mr. Bine explained that IRFFNC, the city's insurance carrier for liability, was changing their structure. In order to do that they have to have the members of participating jurisdictions of which he has won, approve or disapprove by ballot that change. He stated that they were recommending that the Council approve that change.

A motion was made by Council Member Grogan seconded by Council Member Gover to approve this request. All Council Members present voted in favor of this motion.

(c) Consideration of State Development Zone Application.

The memorandum provided to Council explained the State of North Carolina, through the William Lee Act, has created a designation procedure for development zones to promote stronger economies in cities over 5,000 in population that have not experienced the same level of prosperity as other areas of the State. The City of Eden received such designation during the first round of funding of this program. The program provides economic incentives for business and industrial development that occur in the identified zones.

The current designations expire January 1, 2001. In order to continue in the program, the City must renew its application. The Piedmont Triad Council of Governments has assisted the city with the census data and all of the zones that were designated are still eligible.

A motion was made by Council Member Gover seconded by Council Member Tudor to approve this request. All Council Members present voted in favor of this motion.

(d) Consideration of Gildan Activewear Facility – Electrical Service.

The memorandum provided to Council explained that the Engineering Department received a request from Duke Power for an overhead power line right-of-way to be located along the property line between the remaining industrial park property and the new City Park property.

The overhead power will be a three-phase power supply and Duke Power has planned the location so that the power line can serve the City Park property with three-phase power in the future. The portion of the right-of-way that will be located on the remaining industrial park property would be along a majority of the existing stormwater easement that the city has granted to Gildan. Depending on the City Attorney's review of this request, the stormwater easement may need to be amended to include the power line.

Mayor asked Mr. Nooe if he had any comment.

Mr. Nooe replied that to the extent that it was on city property and so long as it needed to be pointed out, he had talked with the Engineer and the way this one was written, the width of it exceeds the width of the existing drainage easement. He added that there were several things about it such as it had to be limited to the city property. The city could not grant easements to use easement areas when all the only easement they may have was for a particular use for a city utility.

Mayor Price asked that as long as it stayed on city property then they could grant it to which Mr. Nooe replied, yes.

Council Member Janney questioned that the right of way needed changing to which Mr. Nooe explained that he was saying it was the way it was written and asked Mr. Stanley if that was correct.

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City Engineer, Joe Stanley, replied that he believed he was referring that Duke Power required a 30' wide right of way by their agreement.

Mr. Nooe added that the city could not give them 30' where they wanted it.

Mr. Stanley agreed and stated that they have a 15' storm drainage with Gildan and one stipulation they had asked them to consider was to put the power poles, not on the property line between the park and the remaining industrial park land, but just to help satisfy the park's grant requirements. He stated that the Engineer (Ann) with them had it staked out in the ground and had the city 3' over so that would be 15' on that side plus 3' more would be 18' so 3' of their right of way would overlap onto the adjacent industrial park land over and above the storm drain that runs along there.

Mayor Price asked if that fit the requirement to which Mr. Nooe replied it would need to be modified for the city to execute.

Council Member Janney noted that it said 15' on each side of a centerline determined by the center line of the electrical facility as installed.

Mr. Bine added that it did say that that centerline was 3' north of the property line...so this was what...to which Mr. Stanley pointed out the property line and the storm drainage and both parks. He explained that they wanted to put the poles approximately 3' there with 15' overlapping to there, which would leave 3' outside of that storm drain.

Mr. Bine added that was because the storm drain easements were only 15' and Mr. Stanley stated that that left 12' from that pole to 12' onto the park line. He stated that the question was, did the city want to give up 3' more of that remaining industrial park land over and above the 15' of the storm drain easements.

Mr. Bine stated that this was an easement and it could be used in the development for the side yard setback for instance. He noted that they could put certain kinds of shrubbery or grass on it, but they could not put trees. They were really talking about an area that was reducing the developable size of the parcel.

Mr. Nooe explained that the centerline that they requested would be approximately 3' north of the property line, so if they add 15' to that, that puts it 3' past the drainage easement. Therefore, that puts it into an area in which the city had already granted another company an option. So legally, (when) the city did this to exercise the option, that 3' was gone.

Council Member Grogan pointed out that the 3' was the electricity to their plant to which Mr. Nooe agreed, but they (Gildan) should be joining into this easement agreement as a grantor.

Mr. Bine agreed that under the option he was right, they needed to be grantors.

Mayor Price asked the City Attorney if in his opinion, it was fine except that Gildan had to join in the easement to which Mr. Nooe replied correct, it needed to be revised. Mayor Price, for clarification asked, so the city would be in line to approve its end of it subject to them giving their approval to which Mr. Nooe agreed, subject to Gildan joining in as a grantor.

A motion was made by Council Member Grogan seconded by Council Member Tudor to approve this request, subject to Gildan joining in as grantor. All Council Members present voted in favor of this motion.

(e) Consideration of acquiring up to date demographic information for use in the community.

Mayor Price explained that in the last few months he had talked with several out of town developers and several business people in town and they were concerned about people who have indicated they would like to expand or would like to come to Eden. He stated that for some reason everything just fades. He stated that there was information available through the Council of Governments as far as demographic information, but he wanted to make a request to the Council to give consideration to hiring an outside vendor for demographic information so that they could give a difference variance to some of those things. He pointed out that something was wrong when they have the number of people and income levels people were looking for. He stated that the information should be available and provided to any business person in Eden or to any people who come to Eden to look and it certainly needed to be at the Chamber of Commerce. He stated that they needed to authorize the City Manager to make not more than a \$1,000 investment with some private company to provide that information.

A motion was made by Council Member Rorrer seconded by Council Member Gover to authorize \$1,000 for the City Manager to hire demographic information. All Council Members present voted in favor of this motion.

Council Member Grogan added that along the same line, the census was currently being done, with the population figures expected out in March of 2001. He stated that the other information which really needed to be updated as quick as possible would be average income, the social stuff, but he did not expect that until 2002. He explained that what those firms would do, would get them something to be more accurate than they have right now.

Mr. Bine agreed. He stated that the companies out there were the same companies as the hotel or restaurant industries and all those that deal with mostly motor traffic. One of the largest ones was a name known as Equifacts. It was usually a credit rating agency and also another division that provided demographic information to business and industries with actual data rings. He stated that it was fairly nominal in cost, but he thought they would have to get several and see how they fit over the city. He added that he had already talked with some folks in California about it.

Council Member Janney asked what the Mayor was talking about when he mentioned the Chamber of Commerce.

Mayor Price replied that he was talking about having information available to all citizens and anyone who wanted it and when people make a request about Eden, a lot of times they go directly to the Chamber for information.

He noted that after Kmart closed, he asked for information from the Council of Governments and asked them to draw three circles, 20 miles each, one around Eden, one around Martinsville and one around Danville. He noted that Martinsville had about 136,000 people in that circle, Danville had 154,000, and Eden had 194,000. He stated that with that knowledge in place and people were still walking from them, that was why they needed to do something.

CONSENT AGENDA:

- (a) Approval and adoption of minutes – June 27, 29, July 18, and August 2, 2000.
- (b) Approval and adoption of a motion to hold a public hearing and to consider an ordinance amending Section 11.24(1) – the Business-Highway #1 district of the City of Eden Zoning Ordinance to allow “automobile washing establishments, full service and laundromats permitted uses.” To amend Section 11.29 – the Definition section of the City of Eden



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Zoning Ordinance to establish a definition for “automobile washing establishments, full service.”  
ZONING CASE Z-00-11.

*This item was pulled.*

(c) Approval and adoption of a motion for authorization to send out a Request for Proposals (RFP) for Railroad & Kuder Street Pump Station Improvements.

(d) Approval and adoption of a request for authorization to bid banking services.

(e) Approval and adoption of a motion for authorization to receive bids for motorgrader.

A motion was made by Council Member Grogan seconded by Council Member Gover to approve Consent Agenda items a, c, d, & e. All Council Members present voted in favor of this motion.

ORDINANCES AND RESOLUTIONS:

\*\* (a) Ordinance amending Section 11.25 Off Street Parking and Loading of the City of Eden Zoning Ordinance. ZONING CASE Z-00-07.

A motion was made by Council Member Grogan seconded by Council Member Reynolds for approval. All Council Members present voted in favor of this motion.

\*\* (b) Ordinance rezoning a parcel of land east of The Oaks from Residential-12 to Industrial-2. ZONING CASE Z-00-08.

A motion was made by Council Member Gover seconded by Council Member Reynolds for approval. All Council Members present voted in favor of this motion.

\*\* (c) Ordinance establishing a No Parking Zone – Manley Street and The Boulevard.  
*(Previously approved).*

A motion was made by Council Member Rorrer seconded by Council Member Gover for approval. All Council Members present voted in favor of this motion.

\*\* (d) Ordinance establishing additional handicapped parking spaces on Washington Street and moving an existing handicapped space on Monroe Street. *(Previously approved).*

A motion was made by Council Member Grogan seconded by Council Member Gover for approval. All Council Members present voted in favor of this motion.

\*\* (e) Ordinance establishing a No Truck Route on John Street. *(Previously approved).*

A motion was made by Council Member Janney seconded by Council Member Gover for approval. All Council Members present voted in favor of this motion.

\*\* (f) Ordinance lowering the speed limit on Washburn Avenue from 35mph to 25mph.

A motion was made by Council Member Rorrer seconded by Council Member Grogan for approval. All Council Members present voted in favor of this motion.

ADDITIONAL AGENDA ITEMS:

1. Eden Apple Festival – Sponsorship (\$5,000)

Council Member Rorrer commented that it was his understanding that this Apple Festival had some political restrictions or whatever and at the last Apple Festival, there was a booth set up that in his opinion was political. He stated that he did know that Council Member Myott was what he considered very viciously attacked verbally by some of the members of this committee that was involved with the Apple Festival that had the booth set up. He asked if they were going to allow this and fund it with city funds.

Council Member Grogan explained that Council Member Rorrer was referring to the people on the Park Committee, group, or whatever that were there getting petitions signed in some form or fashion. He stated that he did not think it was the proper place, and he did not think that they have any type of issue like that now, but he thought that they have made a commitment to those people to fund them the \$5,000 and that activity has really grown in the past seven (7) years as far as bringing people to Eden to visit their town. He stated that he thought the motorcycle group planned to come back again and have people spending the night.

A motion was made by Council Member Grogan seconded by Council Member Gover to approve the \$5,000 for the Apple Festival.

Council Member Gover stated that he would like for Council Member Rorrer's question to be answered. He asked if they were putting stipulations in it.

Council Member Rorrer commented that there was already some in there, but it was not heeded to and Council Member Gover suggested that it was up to the City Manager to take care of the situation.

Mr. Bine explained that this was a festival that was run by an outside group and he did not believe that it was a position where the Council should expect staff to attempt to contain what may or may not happen by an outside group. He stated that he thought it was the Council's decision, if they feel comfortable with this level of expenditure, to support what was generally considered a community wide interest which may from time to time stray the areas that some of them may or may not agree with and that was up to them.

Council Member Janney commented that they needed to have expenditure and contribution reports on this type of money and activity, as they should not be funding this whole thing. He stated that he knew they were not funding all of it, but he thought the last time they saw a report on it they were funding a majority of it, much more than other businesses in town. He stated that this was a business venture, as well as a good day out, and he wanted to see a financial statement before he voted for it.

Council Member Grogan pointed out that the Council had already made a commitment to spend the money.

Action on the motion was as follows: Council Members Reynolds, Tudor, Grogan and Gover voted in favor of this motion. Council Members Rorrer and Janney voted in opposition. This motion carried.

Council Member Janney again suggested that they get a statement to which Council Member Grogan commented that he thought it would be good that they give them a financial statement before this one was done.

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Mayor Price commented that every entity that the city donates money to requires a financial statement to the city. He asked Mr. Sharp to get them from all the agencies that the city donates to.

2. Eight (8) additional items added to the agenda for approval:

The following items were approved by Council: Stockhausen (\$17,831.87); APAC Street Maintenance & Resurfacing (\$159,292.22); APAC Fire Station Parking Lot (\$8,855); APAC Bridge Street Improvements (\$31,750); Aladdin Mfg., (\$16,225); Rockingham County Landfill charges (\$38,411.73); Waste Management (\$10,613.11); and Benchmark (\$8,776.90).

A motion was made by Council Member Tudor seconded by Council Member Grogan to approve those requests (for payment over \$5,000). All Council Members present voted in favor of this motion.

3. Request by Council Member Gover regarding Fieldcrest Road Truck Route:

Council Member Gover explained that on May 16<sup>th</sup>, the City Council passed to reroute the trucks on Stadium and North Main and it was the wish of all the Council. He asked why it had not been implemented to the wishes of the Council and why did it take so long after the Council passed something. He stated that there were very unsafe conditions down there as well as all over Eden and the remainder of Sergeant Griffin's report was delayed for further study. He stated that he would like to know the status on that. He stated that he went to Mr. Bine with it and he wanted to hear why it had not been implemented as the Council had requested.

Mr. Bine replied that he could not speak from the time between May 16<sup>th</sup> and July 5<sup>th</sup>, when he came there, but he did ask the Planning Department the other day about the status of the truck routes. He referred the question to Mrs. Stultz.

Mrs. Stultz explained that they had discussed the issue as it had been done, up to May 16<sup>th</sup>.

Mr. Bine asked if the map that Council Member Gover shared with him, which was sitting on his desk, was the map that needed to be filed with DOT.

Mayor Price then asked if a letter had been sent to DOT to which Council Member Grogan asked the Clerk if she had typed a letter for the former manager to the DOT to which she replied she had not.

Council Member Gover stated that action was needed on this as it was an unsafe condition and it was the Council's wishes.

Fieldcrest Road:

Council Member Gover explained that the meeting was held with the citizens (in the East side of the city), and he was tired of covering and trying to answer those citizens questions they asked when Mrs. Stultz, Mayor Price and the former City Manager were there. He noted those citizens were promised parking areas marked, they are not marked throughout the business and that had been going on for seven months and no one had been down to mark the parking spaces. He noted they could not tell where to park in the business area.

Mayor Price noted that Mrs. Stultz had been back for a meeting of a lot of people in that area. Those things had been drafted and, he asked if she knew where those things rest in regard to the requests made.

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Mrs. Stultz asked if he was referring to the parking spaces to which Council Member Gover added along with the parking spaces, cleaning up, and all of that, as the night they met 54 items were listed. He then asked for the status on those 54 items seven months ago.

Mrs. Stultz replied she was not sure how to answer a question about 54 total items, as far as having parking spaces marked, she assumed he was talking in the business area in the east section. Mayor Price asked Mrs. Stultz to summarize those items and let the rest of the Council know where there were.

Council Member Grogan stated that a lot of those things need to go through the City Manager for him to put out the information to the department heads and whoever's responsibility to do it. He added that it comes back to some budget items at times, they can go and say they want something, but the Council should be aware of what is going on.

Mayor Price noted that some of them may require Council action. Mrs. Stultz stated that the items that her department was able to address, they had been working on. One of the Codes Inspectors had been assigned that area and had been paying particular attention to it. None of it had been done as quickly as any of them would like. She stated she had recently had conversation with some of the folks down there and they were trying to get organized to have another meeting. Some of the things that were suggested that evening, the manager was there and herself, were beyond the purview of things her department could care for. Mrs. Stultz stated she would get that list to Mr. Bine and see what she could do to get that facilitated.

Council Member Gover stated it had been seven months and asked if she could give a timeframe on when they may have it at least marked parking down there, if she was the person who would do this.

Mayor Price noted that would have to be approved by the state and asked Mrs. Stultz to please get them involved and get the ball rolling.

Council Member Gover stated he would bring this up at every meeting until. . . as he was tired of trying to put this off of those people.

Council Member Rorrer mentioned that while they were down on that end, would he throw in the bowling alley that the Council approved two years ago and again a year later and still nothing had been done.

Council Member Gover added that on Fieldcrest Road, a tank was needed to drive down it as it was so rough and the another tank was needed to get over the railroad.

Council Member Rorrer stated they left it up to the former City Manager to put it up for sale. Council Member Gover stated he turned it over to Mr. Bine a couple of weeks ago and he was not trying to put him on the spot. . .

Mr. Bine stated he was aware of the old bowling alley. Council Member Rorrer explained that he wanted it put up for sale. Mr. Bine asked if the Council had declared the building excess property.

Mr. Nooe stated he did not believe there had been a finding that it was surplus. The Council had expressed its intent to sale it, but the question was how much to be sold because it was part of a larger tract and they had been working on the survey to get survey off the bowling alley so that it meets the requirements of the zoning ordinance as to what is being sold. He noted that today he received a revised plat but it did not include access easement to the property; therefore, Mr. Stanley had assured him tonight that he would get that taken care of promptly so it should be able to come to the Council with the City Manager's recommendation as to whether or not that

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particular lot is any longer required by the city for any public purpose. The Council should be able to vote on it in September as precisely what it is declaring surplus. Up to now, it has not been separated.

Council Member Rorrer stated it was left to the City Manager over a year ago to do it to which Mr. Nooe replied that was correct.

Old building and cars:

Council Member Gover mentioned that he would like to know the status of all the information seven months ago that they went through and collected. He would like to know the status on the old building on Hairston and Sharpe, the building on Maryland that had been burned a year or so ago. Those things that they went around seven months ago, adding he did not understand why they could not get anything done in this city. The City of Danville had a program "we can do" and he was looking at Eden as "we can't do".

Mayor Price asked Mrs. Stultz to report to Council Member Gover about those addresses to which Mrs. Stultz replied she would.

Mr. Nooe explained that this comes up periodically, and the City Council needs to stop and have a time to discuss in detail what it really wanted to do in respect to those old buildings and how much money it was willing to spend in any one year to do it. It was one thing to talk about it and say do it, but they have to start putting up some money and the money was not put in the budget to increase the quantity of condemnations that have been going forward because they have to stop and consider the expense to the city. He stated that the Council needs to decide to up the budget for this and put it up to about \$100,000 then that department could go right on with it.

Council Member Gover asked why they did not do that when they gave those people permission to make that decision of whether it was fire training or what other reason, the night the Council passed that, they gave them that option.

Mr. Nooe replied, no. The condemnation of property or the foreclosure on property for taxes involved constitutional rights of due process and that could be expensive. The Council never had thought, as far as he knew, to take the time to study what was involved money-wise in doing that. He recently spoke with the county attorney, if he could talk to his client, if they would be willing to share the cost of some of the foreclosures with them because of the expense of doing it, but their policy at this point was, for example, a tax foreclosure, if the cost of foreclosing was going to be more than the property was worth, they just let it sit there, whatever condition it gets in.

Mr. Nooe explained that the city was in a different situation. The city wants the property cleaned up. So they not only have a loss on the procedure getting it to the sale, what happens is that the city ends up having to buy it and the city bears the cost of cleaning it up. He noted the city had surplus lots on Washington Street that the city had about a negative \$15,000 in, and they would not know what it was until they know what they sell the lots for, but there were two lots that needed to be sold to try to recoup some of the money. He also mentioned that they did not know how much money they were fixing to spend to clean up Drewey Pulliam's two pieces of property. Mr. Nooe explained that there was no use in saying to do it until they set aside the money to pay for it. He noted that the city just spent \$2,000 locating the owners of one piece of property on Grove Street so they could foreclose on it. Mr. Nooe explained that the Council had to make a decision on what it was willing to spend and how fast it wanted to spend it.

Council Member Gover asked who was going to present that cost to the City Council as they were waiting. He stated he was sure the City Council wanted to get the old building down and out of the way.

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Mr. Nooe stated then the City Council needed to discuss, they want to get it down, whatever the cost?

Council Member Grogan mentioned that this was an item for the work session (September 5, 2000). Council Member Tudor stated the Council had a work session and he and Council Member Gover were very much in favor of moving on getting cars towed away out of town and getting those buildings torn down, and he wished he (Mr. Nooe) would have been there to have told the Council to appropriate \$100,000 so that it could have been put in the budget.

Mr. Nooe stated that he had told the Council from time to time that it needs to stop and take the time to discuss and tell him and the Planning people how much it wants to commit to do this.

Mayor Price stated he had made a note of his comments and they would proceed with that. He then asked Mrs. Stultz for a report on the car situation as they have talked about this for some time.

Mrs. Stultz explained that the first draft of an amendment to deal with towing operators and definitions, as she thought they needed to clear up the definitions of car repair businesses and their zoning ordinance, went to the Planning Board. The Planning Board had some suggestions and recommendations and they tabled it. They have asked her to have another draft ready for them to review in September. Assuming they are comfortable with it at that time, it would come forward for the City Council (in October). Mrs. Stultz stated to coin one of Mr. Bine's phrases, "this is a very large elephant that we cannot eat all at one time". She had hoped to deal with this part of the problem first, right now, they only have one particular entity in this whole community who is a legal non-conformity that can tow vehicles so they have had some issues as to who can tow them and where they can go. It was an issue she believed was extremely important for the community and want to get cared for, but it was just not always an easy issue to deal with.

Mr. Bine stated if the Council was willing to lift the bars of retaining this towing and storage in the city or in the county, they may be able to have this done more rapidly. There may be salvage yards that may come in and tow half a dozen on a flat bed and haul them off to Virginia or Greensboro rather than store them in Eden. Mrs. Stultz stated if the Council wanted to give them the ability to go outside the community to do that, they could do that and get those things moving while they were getting the amendments in place.

Council Member Janney stated when they discussed this before, they did not want to get into the storage business as a city. Mrs. Stultz replied that was correct and that was not what they were suggesting. They had a contract before with a firm who was local, Mr. Bine was suggesting if the Council would give permission, they would bid that out and get another contract, with Mr. Nooe's approval, and do a request for proposal and allow folks from outside of Eden and its immediate area to bid, if they wanted to push it that quickly.

Council Member Rorrer stated he was not going to send the (cars) to Virginia, Greensboro or somewhere to which Council Member Janney replied whatever they did, they needed to get the attorney involved.

Council Member Grogan remarked that there was not place in Eden to put them.

A motion was made by Council Member Tudor seconded by Council Member Gover to authorize the Manager to continue and open up negotiations with vendors in or outside of the city to take care of the junk car storage.

Council Member Gover stated he thought they were trying to work out a designated place close to Eden whether it was in the city limits or outside. . .

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Mr. Bine stated that one of the issues was the fact that some of the operators do not currently operate in a legal zoning location to which Mrs. Stultz replied none of them (do).

Council Member Rorrer remarked that was the thing they needed to address before they take care of the other one. Questioning the motion, Council Member Rorrer then asked Council Member Tudor if he had any restrictions as far as outside of town.

Council Member Tudor replied, no, to which Council Member Rorrer stated that meant they could take the cars to San Francisco to which Council Member Tudor replied, yes.

Action on the motion: Those voting in favor of the motion were Council Members: Reynolds, Grogan, Gover, and Tudor. Voting in opposition to the motion were Council Members: Rorrer and Janney. Note: Council Member Myott was absent. The motion carried.

Drainage:

Council Member Gover mentioned that he had requested that the City Manager look at the drainage behind the (new) city hall, (he) requested that four months ago. He stated he thought he had taken them all (Council) around behind the new city hall, the back entrance has a culvert on the entrance, but the water cannot go anywhere, it just ponds up at the culvert. It deteriorates the entrance to the new city hall, paving drive. He suggested that since they were excavating a new parking lot that they put a catch basin there and take the water down across the new parking lot. He explained that this is the city's property, down the road if they put the pipes in large enough, if the state does anything to Pierce Street then the drain will already be there and that will save money; or either they will do it down the road after they have paved everything, so he suggested that the drain be put in now. The water cannot drain off of the entrance to the back entrance off of Pierce Street from that ditch line, it just ponds up. He explained that he had been talking with the Engineer and the former City Manager for four months concerning that. He stated he would like to see them put a drain there for the future and to drain it off now.

Council Member Janney questioned if that was needed then why was it not in the study to which Mr. Joe Stanley, City Engineer, replied that this issue was brought to his attention by Council Member Gover. There is water ponding at that entrance, that is a state right of way road, he did not know why the culvert was in the situation it was in. He stated he had been in Eden for a year and a half and all of Pierce Street (there) were quite a bit of problems from water all along that stretch from city hall all the way down to where the culvert crosses at Morehead Hospital. Mr. Stanley explained that Mr. Bine had presented a memo where he gave the cost figures and attached his information.

Council Member Gover explained that he was not talking about dumping water, he was talking about draining water. He mentioned that the city gave a 15 to 20 foot easement to drain water off of the property of the industry and had no regard to where the water went. He stated that he not knowing about the ordinances that he (Mr. Nooe) had sent him, he still did not see where it mattered in just trying to drain the water off of the city's own parking lot and drive entrance. He asked Mr. Stanley if he would say a drain was needed there or not.

Mr. Stanley replied he thought there were better ways to solve the problem, cheaper ways. Council Member Gover replied that he had been working with Mr. Stanley for four months and he did not tell him that to which Mr. Stanley replied he was told not to respond to the request by the former City Manager.

Mayor Price noted that Mr. Nooe had sent out a legal memorandum concerning the drainage and asked that he summarize it.

Mr. Nooe explained that he just wanted to remind the Council Members about the existing City policy with respect to undertaking certain drainage projects so that they would not be undertaken until the City Engineer had investigated the history of the drainage situation and the effect of changing the flow of water or increasing the velocity of the water or increasing the quantity of water because, for example, on that particular street, that street was not constructed by the City of Eden, it was constructed by the developer, it is a state maintained street. If there is a flaw in the design and if anyone's property is damaged or so forth, that is not the city's responsibility. He explained that when the city goes in and makes changes to that and the changes result in an increase in the quantity and velocity of water going on someone's property then the city will pick up liability. He stated that the Council needed to know the liability, the potential risks, when approving those projects. That was the reason for the memorandum, that the Engineer look at it, see where the water is going now according to how the street is designed, where it is going to be moved to. If the change were made according to the sketch he had, it looked like the water was going in an entirely different direction and was going to go into a natural drain that is different from where the street was designed, the drain is designed to carry it to. He stated he knew there had been problems with flooding over in that direction down on Briarwood and the properties down there. The other problem in it was that the City Council had to vote on the money to do it. The estimated cost was such that it had to come from the Council and the Council's approval of the expenditure of that amount of funds. As he was understanding the situation, they were trying to do it quick before the lot was paved or grading was done or so forth, but it really needed the Council's action for two reasons.

Council Member Gover stated he tried to get it before Council for four months. He recalled that they did send drainage to the east with no regard to the already flooding situation down there, out of a twenty inch pipe that people drive up and down the road to see if it was going to flood on Edgewood Drive. He recalled that the Council did that a month ago.

Council Member Janney asked about the graded parking area at city hall and asked if that was the only parking area that would be there or were they finished grading.

Mr. Stanley replied, yes to which Mr. Bine replied that was the supplemental parking.

Council Member Janney questioned if that would take care of the movement of the police department to which Mr. Bine replied there would be an area immediately behind the construction area, there would be an enclosed area where officers would be able to drive in and close the grates and unload a prisoner.

Council Member Janney explained that he was talking about additional parking as that was not what he looked at on a sketch the Council had. He stated that someone had better double check.

Mr. Stanley explained that the parking had been reduced from the original plans.

Mrs. Stultz explained that there was some questions that came up from that and once she received a site plan that showed how many spaces they were going to mark and what they had to have for the building they now have and the police and all of that. That one parking lot is more than enough to accommodate what they need in an average business day and it meets the ordinance requirements. The plans were to take down a lot more of the trees between the city's property and Grant Street and the decision was made not to do that and save money building that parking lot.

Council Member Janney explained that they have all of the vehicles that were here going down there on a normal day. He asked when they move the police department down there, to tell him where those people were going to park when they go down there. He explained that City Hall Drive was a through street because Powell Bill money was used so they could not block that street. He told her to tell him that there would be enough room for everybody that comes to a



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Council Meeting and any other meeting that may be going on and park all of those vehicles that the Police Department has over in that space with that small additional space.

Council Member Rorrer replied they could fill it up with the Police Department to which Council Member Janney replied, sure they could. Council Member Janney suggested they take another look at it before they finish it.

Mayor Price asked Mr. Bine to check that to which Mr. Bine replied in the affirmative.

**Water and Sewer Money Collection:**

Council Member Janney stated that a number of the Council had said when they came up short with some funds not billed out, that they would give the citizens an answer. He explained that he was still receiving questions. He explained that needed to answer questions and to be comfortable with this was to know exactly how much money was not billed, how much funds were lost by not billing, to whom by individual accounts, and how long in each case, why they were not billed, who should have billed those things, and should the audit have turned up the error in the annual audit. Council Member Janney explained that he had asked those questions before and nothing came up. They, as a board, did hire a person to look into this and they were coming back to answer some questions. They came back and answered a different question than what they were sent out to do for some reason or another. He stated the Council as well as the public needed those answers because the city went up on the water bill, and went up on everything, and they were not going to do it without giving them an answer.

Mayor Price mentioned that he and Mr. Bine had talked about that on several occasions and he has worked through the figures and had promised him at the Council's work session that he would have the answers that the Council had asked for.

Council Member Janney replied that the Council did not hire Mr. Bine to do that as they hired Finkbeiner, Pettis and Strout. Mayor Price explained that Mr. Bine assumed the responsibility and Finkbeiner was a consultant.

Mr. Bine explained that Finkbeiner planned to be at the work session scheduled for the first Tuesday in September to present the matter with him to the Council. He stated that all of those questions that Council Member Janney asked, they have the answers and they would make them public.

Council Member Janney replied that the Council was given one fantastic figure and since then they had starting darting around. Mr. Bine stated since he had been associated with the numbers, they had not changed.

Mayor Price stated that Mr. Bine had worked very diligently on that and has met coincidentally with all of the companies involved and very good with them, has had numbers of meetings with them and has asked for time to get all of the things in order to make a good presentation and he asked long ago to do it at the September meeting.

**VOUCHERS:**

No discussion on Vouchers.

**CLOSED SESSION:**

Closed Session according to GS 143-318.11(a)(3) to consult with the City Attorney in order to preserve the attorney client privilege and to consider the handling of claims.

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A motion was made by Council Member Grogan seconded by Council Member Gover to go into Closed Session according to GS 143-318.11(a)(3) to consult with the City Attorney in order to preserve the attorney-client privilege and to consider the handling of claims. All Council Members present voted in favor of this motion.

OPEN SESSION:

A motion was made by Council Member Grogan seconded by Council Member Tudor to return to Open Session. All Council Members present voted in favor of this motion.

MOTION TO UNSEAL CLOSED SESSION MINUTES – SEPTEMBER 21<sup>ST</sup> AND 28<sup>TH</sup> 1999, FEBRUARY 28<sup>TH</sup>, MARCH 2<sup>ND</sup>, 6<sup>TH</sup>, 8<sup>TH</sup>, 13<sup>TH</sup>, AND 20<sup>TH</sup>, 2000:

A motion was made by Council Member Janney seconded by Council Member Gover that the minutes for the Closed Session of City Council Meetings held September 21, 28, 1999, February 28<sup>th</sup>, March 2<sup>nd</sup>, March 6, 8<sup>th</sup>, 13<sup>th</sup>, and 20<sup>th</sup>, 2000 be opened for public inspection and made available for copying by the public. All Council Members present voted in favor of this motion.

CHARLIE – GRACIE RESIDENTS:

A motion was made by Council Member Tudor seconded by Council Member Gover to deny the request from the residents of the Charlie-Gracie Street for refund of the money paid to the city for the installation of service in front of their property. All Council Members present voted in favor of this motion.

ADJOURNMENT:

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

Respectfully submitted,

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Kim J. Scott  
City Clerk

ATTEST:

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Philip K. Price  
Mayor