

CITY OF EDEN, N. C.

A special meeting of the City Council, City of Eden was held on Wednesday, August 30, 2000 at 4:00 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
	Ronald H. Reynolds
	Ronald L. Janney
	Christine H. Myott
	William W. Rorrer
	C. H. Gover, Sr.
	Garry Tudor
City Manager:	Peter G. Bine
City Clerk:	Kim J. Scott
City Attorney:	Charles J. Nooe

Representatives from News Media:	Reid Baer, <u>The Daily News</u> ,
	Leslie Brown, <u>Greensboro News & Record</u>

MEETING CONVENED:

Mayor Philip K. Price called the special meeting of the Eden City Council to order and welcomed those in attendance.

Consideration of extension of a contract with D. H. Griffin Wrecking Company, Inc. regarding abatement of Drewey T. Pulliam zoning and public nuisance violations:

Mrs. Kelly Stultz, Planning Director was present and explained that the Council had authorized her to go up to (remove) thirty (30) loads which was completed day before yesterday. Mr. Jimmy Bolden, Chief Building Inspector, met with the Superintendent who was responsible for this job with D. H. Griffin Wrecking Company, Inc. They had taken a look at what was left at the (old North Spray) school which is mostly trash and will be hauled to the landfill, and also the property of Mr. (Drewey) Pulliam’s residence and looked at exactly what it would take to get them completely out of this process. The estimates now are between eight and ten more loads of simple trash at the school property. He explained that they were estimating approximately 30 loads of metal debris and other things at Mr. Pulliam’s house.

Mr. Stultz explained that they were asking the Council today to authorize up to 45 more loads before they come back. She explained that there had been some questions as to what was a load. There had been gentlemen there separating the stuff that could be recycled versus trash; the loads that have scrap metal on them have had an average of 19,000 lbs. on an individual load, some of them more than others. They have had a truck or two, really old ones, very large, that have had to go a single thing on a load to get them out on a lowboy. They have had numbers of different kinds of equipment, but there have been loads as high as 32,000 lbs. She noted there had been a city staff member from her department and a police officer there at all times so they have kept a good eye on things to make sure they were packing their trucks.

Mayor Price asked Mrs. Stultz if her recommendation was for 45 loads more to which Mrs. Stultz replied in the affirmative. She added that they did not think it would be that many (loads). Mr. Bates had taken a good look at it and from how they have handled what was left up there, he thinks that will suffice. She added they wanted to have a little more of a leeway in case they get down to the end to get it cleaned up and not have to wait again.

Mr. Peter Bine noted that Mr. Bolden had a copy of the weigh tickets and of the weighing of the materials when they got back to the yard and they (Griffin Wrecking) was to pay the city a half

cent a pound, that credit against the \$21,000 for the 30 loads at \$700.00 He then asked for the net cost to the city.

Mrs. Stultz replied at the moment, their best estimate as there was a load or two that went after they got the tickets, was \$19,000 that the city owes Griffin Wrecking at this point.

Mr. Bine stated it was roughly \$2,000 at a half cent a pound which is what the credit was so they could anticipate that if they get that on 30 loads then they would get roughly a similar amount, proportional, on subsequent loads. He noted that they also photographed the loads to which Mrs. Stultz added that they had each of them on a video and some photographs.

Mr. Bolden noted that it probably would be more scrap metal at Mr. Pulliam's house than trash so they would get more money back on the half cent deal at his house. Mrs. Stultz explained that predominately at his house, there were vehicles.

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Council Member Gover asked if they were estimating as many loads at Mr. Pulliam's house as there were at the school to which Mrs. Stultz replied in the affirmative.

Council Member Gover asked if the lot was the same size as the school to which Mrs. Stultz replied it was not, but it was predominately covered with vehicles. There were a lot of other things at the school.

Mr. Bine noted there were old septic tanks at the school as he had been over there. He also noted there were 30 to 40 old heat pump type air conditioners, stoves, refrigerators, and mobile homes.

Council Member Gover asked how many cars they were averaging per load to which Mrs. Stultz replied they counted a couple of loads that were somewhere in the neighborhood of twelve per load. She added that when they had a dump truck that had been there, they would not be able to get as many on a truck load as they could if there were four or five small vehicles. At Mr. Pulliam's house, there were some very large heavy vehicles.

Council Member Janney asked about the septic tanks as he did not think that was part of this as Mr. Pulliam was in the plumbing business. He asked if the septic tanks were ones that Mr. Pulliam had removed from the ground to which Mr. Bine replied, no, as they appeared to be new.

Mr. Stultz stated there were some that were old and some that were in several pieces scattered about the property.

Council Member Gover asked if the septic tanks were on the city's list to which Mrs. Stultz replied, yes sir.

A motion was made by Council Member Tudor seconded by Council Member Grogan to approve up to 45 more loads.

Council Member Reynolds questioned if there was trash at the school, why could they not send a trash truck over to get that. Mayor Price explained that it was not that type of trash to which Mr. Bolden explained that it was old cinder blocks and he did not think the city had anything that would even load it.

Council Member Janney asked if the Council would receive a total dollar amount from the time they started until they finished from the attorney's fees, anything they have done.

Mayor Price replied he was sure they could to which Mr. Nooe replied as soon as they finish the school they would file a motion in court for judgement for that dollar amount. They have a judgement that will be a lien. Mrs. Stultz added that order included all of Mr. Nooe's fees, too. Mr. Nooe explained that the Council would know because the city will have to ask for a hearing, and there will be a hearing, and the city will prove it's actual costs in the clean up of each site.

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Council Member Janney stated he had asked another question the last time they discussed this and that was how much property was associated with that school. Mrs. Sultz replied approximately eight acres.

Council Member Gover stated they have had a lot of people ask about the building (old school) and asked if that was separate to which Mr. Nooe replied it was a separate procedure.

Mr. Ray Pulliam, oldest son of Drewey Pulliam, and his wife, Alice, was present. He explained that he worked for Alamance County Inspections Department so he was fully aware of a lot of things they encounter as they want to keep their city as clean as possible. He stated he had not received legal counsel as of yet, but he would like to find out if it was possible to save the city taxpayers dollars and assume the clean up responsibility, and have it in a legal document where his father would not have any involvement whatsoever, should not be any problem with his house, as he understands it now, but if the Council approves the 45 loads and that is what it takes, he was there to say that he may be able to save the city taxpayers a lot of money.

Mayor Price asked Mr. Pulliam how he proposed to do that to which Mr. Pulliam explained that he would go in like he was going to clean someone else's property up, "get it and let's go, move it, unload this and load that up and whatever". He explained that he did not have everything down to a final decision, but his dad had agreed, in speaking with his wife, Alice, while he was at work, that he would agree to let him (Ray Pulliam) control what was going on. He stated that one other reason was that his father had a lot of other things going on that he knew would come up not far from now, whether it be city ordinances or what have you, or personal problems, and he felt that he would have to be able to try to take care of some of these things, adding he really did not know which way it was heading. Mr. (Ray) Pulliam stated he felt confident that he could take care of these things at his house, now anything else, what was pending, he would not be aware of and he would need to have information on what he would need to do.

Mayor Price asked Mr. Pulliam if he was aware that the city received a court order to which Mr. Pulliam replied, yes.

Mrs. Alice Pulliam explained that she had spoken with him today and that her husband, Ray, had not had an opportunity to talk with his dad. She explained that Mr. Drewey Pulliam had called her upset. He had moved a lot of things that he possible could use or sell or whatever, adding she did not know his plans, but he had moved them and he said that the city was going to come in and move those back to the land and take them. She explained that this was what she was told by Mr. (Drewey) Pulliam and at his expense. Mrs. Pulliam explained that she and her husband discussed possibly, if they could stop this and take control, adding they would have to be given control of his dad as the Council knew the situation with him, so they could accomplish things. She stated there was equipment out there that was valuable and was being crushed and done away with which was sad for anybody, whether it was him or anyone else. She explained that if they could get control of this and maybe sell this, if they could get a court order saying they have responsibility for this situation and they can go in and sell things, even though he's pulling it at these different sites, he has done that because he want to keep it.

Mrs. Pulliam explained that she spoke with Mr. Drewey Pulliam today and explained that it had to go and had to be sold, she understood there was some value in it, but he would have to let Ray (son) take control and start selling it. She stated if the city was going to charge to bring it back to the property and then crush it and do away with it, and it was still going to cost the city more, then that did not really make a lot of sense.

Mayor Price, in talking with Mrs. Stultz, stated he understood the court order specified by pictures and numbers and descriptions of the property, if it has been hauled out then it would be brought back and still be taken care of.

Mrs. Stultz explained that she did not know about being brought back. She stated they made pictures and it was on the video they have of the things that Mr. Pulliam had towed away and as

they were placed in different places around the community, her phone began to ring off the hook from the neighbors in those areas that some of them were going places that obviously people cannot store vehicles of that variety.

Mrs. Stultz consulted with Mr. Nooe and they were working on how to deal with that. It does not stop them from being a violation simply by the fact that they have moved them. She stated she could not imagine they would physically take them and move them back to the site to have them dealt with.

Mayor Price asked if their entire cost, total sum of all costs the city has involved in it was going to be either paid by Mr. Pulliam or a lien placed on his property.

Mr. Nooe replied, yes, tomorrow, if they finish the school they would file the motion tomorrow to have the cost of that made a judgement against Mr. Pulliam.

Council Member Tudor asked Mr. and Mrs. Pulliam if they were saying that they would be able to start tomorrow to clean up this property themselves the same way as if Council approved the motion that D. H. Griffin would be going to work tomorrow to clean up this property.

Mr. Pulliam stated if they have completed their obligations, he felt like, saying again without legal advice, if they were basically stopped at their point with their contract, he would contact them and see if they would come in and do that and yet be working in behalf of cleaning it up to which Mrs. Pulliam added for the city.

At this time, Mr. Nooe stated he would like to be excused to speak with Mrs. Stultz and Mr. Bolden (in the back).

Council Member Gover asked if the Pulliam's were planning on contracting with D. H. Griffin to do this to which Mr. Pulliam replied it was up in the air right now. He added he would say chances were it would be a wise choice to do that because they were already on the site and were just down the road, he had not personally been able to talk with his dad anymore and he had a couple of calls to attorneys, but he had not received any returned messages whether something legally needed to be drawn up, taken to court, signed by a judge to do this, or maybe this was just an isolated thing they would allow him to do then it stops at that point.

Council Member Tudor asked if he was talking about taking his merchandise to another site in the city to which Mrs. Pulliam replied, no. She added not to misunderstand them, they understand the city's situation and they want it cleaned up, too. She stated that was the goal except they have not had any control. They have not been able to get him to do what the city had been trying to get him to do either. They have tried very hard to talk with him and get him to do these things and he had not done it for them either. So, they were trying to get legal back up so that Ray (son) could take control and be able to get in there and do something, but in the meantime, it was their father, and they did not want him to lose everything. They did not want him to lose his home and they very much agreed with what the Council was doing, they were not against that, but they also wanted to protect him as much as they could.

Council Member Tudor asked Mr. Nooe if he could help the Council with this to which Mr. Nooe explained that the city had advertised for this to get the best price. The first time it was advertised, Griffin Wrecking was the only company that would touch it. They readvertised it, and that was the only company that could handle it or would even bid on it. He stated he thought it would be a mistake, he thought, to let them pull out and expect that they would come back. They bid it expecting to do the two jobs that they looked at. Now, if it was not worked out between Mr. Pulliam and his father (Drewey) then what they have is something they may not be able to get anyone to touch. His recommendation was to go ahead and the City Council authorize them to proceed with the contract with Griffin Wrecking to complete the cleanup on these two sites and at the same time, if Mr. (Ray) Pulliam could go see Mr. Griffin (Wrecking) in the morning and work something out between them and the wrecking company that will assure

the city that they would go forward and Griffin will stay here and not pull out, obviously they would only be accomplishing what they have tried to get Mr. (Drewey) Pulliam to do for two years, and that was to voluntarily clean it up; and there had been absolutely no cooperation from him as they all knew. That did not mean he would not want to try to work with him and his family at this point, but he did not see how they could rest having Griffin stop and then refuse to come back. He stated he would hope the Council would approve going forward and if they (Pulliam's) can work something out with Griffin Wrecking tomorrow then he would be glad to meet with them however long it takes to see what they can do to protect the city and satisfy Griffin Wrecking.

Mrs. Pulliam asked if this did not work out, could they possibly go in and because he has bulldozer equipment, part of it over at his house and part of it over at another piece of property, that is valuable equipment, that he could use, sell or whatever, could he get the things he needs out. She stated, of course, they would have to take responsibility to get these things either sold or. . . She explained that the bulldozer he used, and a backhoe, in his business.

Mr. Nooe explained that if it was operating equipment and they (Mr. and Mrs. Ray Pulliam) and Mr. Bolden go over there then they could mark that so that they won't. . .

Mrs. Pulliam stated they were taking everything right now and if he could go in and mark things. Mr. Nooe replied not him (Drewey), but if they (Mr. and Mrs. Ray Pulliam) go over their and show the city that it is an operating bulldozer or Mr. Bolden added an operating vehicle. Mr. Nooe explained that they did not want to pull it, spend the money to be spending it.

Mrs. Pulliam explained that it was like the septic tank situation as they were brand new and could have been sold and they were crushed which was sad. Mr. Nooe replied the sad part was that he had known this for two years and had not done any. . . and when they started and finally saw it happening, part of his solution was to pay somebody, not to sell it or do away with it, but to haul it somewhere else in the city. He explained that just brings on more hearings and it was not helping anybody.

Mrs. Pulliam stated they understood this stuff was scattered all over the city right now and they have to get with him and work with him and get this stuff sold as they understood it had to be taken care of.

Mayor Price stated that some of the stuff hauled away was part that was going to be picked up by the city to which Mr. Nooe replied it would have been if it had been there. Now that brings on, if they do not work something out voluntarily, for them to dispose of it instead of the city having to go get it and dispose of it. That will be a matter for the city to file a motion in the pending case for Mr. Pulliam to appear and show cause why he should not be punished for contempt for interfering with the city carrying out the clean up authority under the existing order. He was just saying if they (Mr. and Mrs. (Ray) Pulliam) would take care of that then it would save the city money obviously in that they would not be spending time, they will recover it later, but it would be cheaper all the way around if they would go around and get that junk up that he scattered around town.

Mayor Price asked Mr. and Mrs. Pulliam if they understood the position the city was in trying to repair a situation that had gone on for a number of years and they have just got to make a decision one way or the other.

Mr. Ray Pulliam stated his thought at the present time was if they do approve or disapprove of D. H. Griffin continuing with the additional amount of loads as being proposed, he guessed what he was trying to say was that what was left, it might as well go in his (Drewey's) pocket to recoup some of the loses that he will probably have, but at the same time save the city "x" amount of dollars. Insofar as vehicles running on his property, there were a few that run, he did not know how many, but there were quite a few old trucks and stuff, they could not go out their and crank

them, he knew that. There were a few pieces of equipment that goes with things that run like something that would go behind a farm tractor.

Mayor Price stated if the equipment cranks, it has to meet some other requirements as well to which Mrs. Stultz replied in the affirmative. Mayor Price asked that they explain that to Mr. and Mrs. (Ray) Pulliam.

Mrs. Ray Pulliam asked if they would be able to get time on those things scattered around because they were just getting into this.

Mr. Nooe stated the only thing he would suggest was if they were going to be there in the morning, just name the time and they would meet over there and look at what they say has value or is operable and see if they can take care of their concerns about hauling off anything of real value.

Mayor Price added that it had gotten down to where they had to remove the merchandise as they had given enough time and had gone through an exhaustive amount of time, legal wise and a lot of expense, and it just had to go.

Mrs. Pulliam explained that when she said time, she was talking about all of the things he had scattered around in town that he had moved out.

Mr. Nooe stated he would have some time which he would talk to them about that tomorrow. Mr. Nooe added that they had to come up with something that would be some assurance that they can do what they were saying to which Mrs. Pulliam explained that they had just fallen into this today. They were trying to stay completely out of it to which Mr. Ray Pulliam explained that they had tried to encourage him to comply but he just let it slip by timewise.

Mayor Price noted that a motion was on the floor to which Council Member Gover asked if it needed to be amended. Mr. Nooe replied no.

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

Addition to Agenda – September 5, 2000:

Mr. Bine told the Council that he had a meeting this morning with representatives concerning an economic development matter which will require some rapid attention. He suggested and requested that a closed session for the purpose of economic development to discuss expansion of an industry according to GS 143-318.11(a)(4) be scheduled at the end of the work session on Tuesday, September 5, 2000.

A motion was made by Council Member Tudor seconded by Council Member Myott to add the above closed session to the agenda for the Tuesday, September 5, 2000 meeting. All Council Members voted in favor of this motion.

Adjournment:

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

Respectfully submitted,

Kim J. Scott
City Clerk

ATTEST:

Philip K. Price
Mayor
