

CITY OF EDEN, N.C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, February 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 Janney
	Christine H. Myott
	William W. Rorrer
	C.H. Gover, Sr.
	Garry Tudor
City Manager:	Radford L. Thomas
City Attorney:	Charles J. Nooe
City Clerk:	Kim J. Scott
Administrative Staff:	Sheralene Thompson

Representatives from City Departments:
Representatives from News Media:

Reid Baer, The Daily News, Alex DeGrande, 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:

Mayor Price introduced Mr. Bobby Robertson, Pastor of Monument of Faith, along with his wife, Carol Robertson. Pastor Robertson was present to give the invocation and Mayor Price took a moment to explain the accomplishments of the Robertson's as well as recognizing that Pastor Robertson had won a Jefferson Award from WXII in 1999.

PROCLAMATION:

On behalf of the George Reynolds Chapter of the Daughters of the American Revolution, Mayor Price read the following proclamation:

AMERICAN HISTORY MONTH
PROCLAMATION

WHEREAS, the National Society Daughters of the American Revolution sponsors February as American History Month each year; and

WHEREAS, the backbone of this great nation of America is its history, upon which all of our accomplishments are based; and

WHEREAS, American History must be preserved and remembered by all, young and old; and

WHEREAS, both the importance of remembering American History, and the contributions made to our society by the Daughters of the American Revolution should be duly noted.

NOW, THEREFORE, I, Philip K. Price, Mayor of the City of Eden, do hereby proclaim the month of February, 2000 to be

“AMERICAN HISTORY MONTH”

in the City of Eden, and urge all citizens to join with me this month in recognizing the importance of American History in our lives, and in recognizing the community service performed by the George Reynolds Chapter, Daughters of the American Revolution, in our area.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eden, this 15th day of February, 2000.

Philip K. Price, Mayor

February 15, 2000

CITY OF EDEN, N. C.

Minutes of the February 15, 2000 meeting of the City Council, City of Eden, N. C. continued:

ATTEST:

Kim J. Scott, City Clerk

PUBLIC HEARINGS:

- (a) Consideration of a zoning map amendment request to rezone property on Meadow Road and Edgewood Road in Industrial Park-1 to Residential-20. Request submitted by the Fairway Drive Residents. ZONING CASE Z-00-01.

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

Mrs. Stultz explained that at the regular meeting in January the Council scheduled this public hearing to hear comments regarding a zoning map request filed by the Fairway Drive residents. The request was to rezone property on Meadow Road and Edgewood Road from Industrial-Park #1 to Residential-20. The Planning & Inspections Department recommended denial of the map amendment request. At their February 1, 2000 regular meeting the Planning Board voted unanimously to recommend that the City Council deny this request.

She explained that the request initiated by the residents of Fairway Drive, was to rezone approximately 62 acres of property owned by the City of Eden located along Edgewood Road between Meadow Road and Stadium Drive from Industrial-Park 1 (IP-1) to Residential-20. The IP-1 zoning district is designed for light industrial uses situated near residential development. It only allows those uses that would not be intrusive to the surrounding residential neighborhood. The Residential-20 zoning district permits single-family residential uses on large lots.

The I-P #1 zoning district would require a 50 foot sideyard setback between the I-P #1 uses and the adjacent residential property. This would mean that with the tract of land containing 3.07 acres that remains R-20 and was left as such by the City Council at the time of the October 1999 rezoning, there would be 150 feet of buffer for the adjoining property.

Over the past several years, development trends in Eden have seen residential development locating to the south and west portions of the city, while business and industrial development has been concentrated in areas in the center of the community and to the east. This fact has made the traffic pattern in the community ever increasing in a west to east migration in the morning and an east to west migration in the afternoon. Recently, the city has seen plans for three residential subdivisions within one mile of the property now being considered. One of them is to be located on Meadow Road and two are planned for the area around Meadow Greens Country Club Golf Course off Edgewood Road. Those planned developments along with the potential uses for the property in question would promote a more compact development pattern and avoid the sprawl that has occurred in the past. This type of land use pattern would encourage the use of existing infrastructure.

She stated that based upon the foregoing information, staff recommended that the request be denied.

Mayor Price asked if anyone would like to come forward and speak in favor of this request.

Mrs. Vanessa Stewart, 240 Fairway Street, stated that she knew they have rehashed this many times. She stated that the present situation was the same as it has been, as far as the residents on Fairway Street. She explained that they would like for this land to be rezoned to R-20 instead of Industrial Park # 1. She expressed their concern about the traffic problems that they currently have along with the increase in traffic that would come in the future with an industrial park.

Mrs. Stewart posed a few questions to the Council that she and the other residents would like answered and they included: (1) A response from Pillowtex as to the stand they were going to take on the rezoning issue (the splitting of the City Park land) and (2) If there were any prospects looking at the industrial park land. She stated that if they could answer those questions, it might help them to understand what was going on around them.

February 15, 2000

CITY OF EDEN, N. C.

Minutes of the February 15, 2000 meeting of the City Council, City of Eden, N. C. continued:

She asked that if they did not rezone this piece of property, that they would take a long hard look at what they did put there. She also thanked Council Members Tudor and Gover, Grogan and Janney for taking the time to talk with them.

Mayor Price noted that they would address those questions right after the public hearing.

Mayor Price asked if there was anyone else who wanted to come forward to speak in favor or in opposition to this request and as no one else came forward he declared the public hearing closed.

Council Member Tudor asked the City Attorney if he, as Mrs. Stewart requested, could tell them what the status of the covenant was or had there been any decision on it or what the timeline was on that.

City Attorney, Charles Nooe, replied that the restriction in the deed, according to the document in the file on it, the contract stated that what restriction there was in it was put in it at the request of the City of Eden, not Fieldcrest Cannon and that Fieldcrest Cannon would have conveyed that property to the city free and clear of any restrictions had the City Council not asked that it be put in there. The restriction that was in there was that it was restricted for public use for parks and other public uses. He stated that an industrial park was a park, it was a public use. He stated that as far as having to get Pillowtex to agree to release it, he did not believe whether it could be an industrial park hinged on Pillowtex voluntarily releasing it from the restrictive covenant in the deed, but that may be something that could be the object of a court action, to have the deed reformed to have it removed from it if necessary.

Council Member Tudor stated, as an example, if Gildan had said, "we're coming to Eden, North Carolina and we want that property", that property would have been deeded to Gildan.

Mr. Nooe explained that once it was developed as an industrial park, he thought it could be, it would be subject to being whatever industrial parks were authorized to do by a statute, then that industrial park could do and he believed it could sell a tract of land out of it.

Council Member Tudor stated, so they could sell the tract of land and Gildan, or any future company, could have gotten a clear deed without a covenant on it.

Mr. Nooe stated that he believed the city, if it established an industrial park, could sell an industry a site in the industrial park, free of any restriction that was in the deed by which the city acquired. But all of that, if anybody did not like that they could contest it in court.

Council Member Tudor stated that he was not asking if anybody wanted to contest it in court. He stated that his concern was if two weeks from today there was a company that wanted that property and the city has cut the property in half. Then they have had to go and redo their plans for the park (new City Park). He also stated that they have had citizens who live adjacent to that area come concerned about the values of their property and they (City Council) were sitting there not being able to say positively whether or not that property could be developed as an industrial park. He asked if the board was not convinced on October 16 that a clear deed would be afforded to any company that would want to build a factory on that property. He stated that he (Nooe) was saying that he "thought". He stated that he would think he would be able...

Council Member Grogan asked if he wanted an answer to that question to which Council Member Tudor replied that he would like somebody to tell him yes.

Council Member Grogan replied that he, for one, yes and Council Member Janney and Rorrer indicated that they too, had no problem with it.

Council Member Rorrer stated that he had always believed that to which Council Member Tudor pointed out that he "believed" it.

Council Member Janney stated that he had read every document and...to which Council Member Tudor pointed out that the City Attorney had not said, "yes we can", he said, "he thinks we can".

February 15, 2000

CITY OF EDEN, N. C.

Minutes of the February 15, 2000 meeting of the City Council, City of Eden, N. C. continued:

Mr. Nooe stated that was his opinion that they could, and that was all he was going to get from him.

Council Member Tudor stated that he was at the understanding that the covenant was going to be removed. He asked if he was wrong.

Council Member Grogan stated that he was not concerned about the covenant and Council Member Janney agreed. Council Member Grogan noted that it said "a park".

Mayor Price asked if it was not part of the motion that they asked for the covenant to be removed to which Mr. Nooe replied in the affirmative.

Council Member Tudor asked if it was reasonable to assume that the covenant could be removed within 12 months.

Council Members Janney and Grogan both replied that they did not have any idea.

Council Member Tudor asked that if it could be removed, if it was possible, could it be done in 12 months.

Mr. Nooe replied that in his opinion yes, if it was necessary to which Council Member Tudor asked why was it not necessary to which Mr. Nooe replied, because he believed that if the city went on and established an industrial park it was not going to be necessary to go through that step.

Council Member Tudor questioned that when they find an industry that was going to buy property in that industrial park, they were not going to have to take the covenant off to get a clear deed to that property.

Mr. Nooe interjected that the city may build a building for them, he did not know what this Council was going to do.

Council Member Grogan commented that if they (the industry) could get title insurance, that was all they would be looking for.

Council Member Tudor pointed out, but if the covenant said that they cannot build a factory on it...to which Council Member Grogan stated then they would have to go to the title insurance company and argue with them.

Mr. Nooe added that there was nothing in the covenant that said they could not build a factory on the plan.

Council Member Tudor stated that it said it would be used for recreational purposes.

Mr. Nooe replied that "recreation" was not in that deed to which Council Members Janney and Myott agreed.

Council Member Tudor stated that it just said for a "park".

Mr. Nooe added, of the public use to which Council Member Tudor stated that a factory was not a public use.

Mr. Nooe replied that it certainly was, as there was a whole chapter in the General Statutes.

To clarify, Mayor Price asked if what he was saying, in his interpretation of the deed restriction, if it said "park" it could be industrial park or recreational park.

Mr. Nooe replied, or other use, other than park.

February 15, 2000

CITY OF EDEN, N. C.

Minutes of the February 15, 2000 meeting of the City Council, City of Eden, N. C. continued:

Mayor Price explained that in his opinion, if the time comes that somebody wanted to buy that property and they could not give them a clear title, then at that point and time they were going to have to come back to Pillowtex to ascertain what they would have to do to get a clear title.

Mr. Nooe stated that he would think that if a question was a cloud on the title and the Council still wanted to do it then they would ask the court for a declaratory judgement to reform that deed because there was no consideration to Fieldcrest Cannon for that restriction to be in the deed in the first place.

Council Member Tudor asked why Pillowtex would have anything to do with it if there was not a consideration.

Mr. Nooe replied, because the City Council at that time had asked them to put it in that deed.

Council Member Tudor asked that once that was done, was it legal, could it be removed.

Mr. Nooe explained that most binding contracts have to have consideration. He stated that before that issue arose, the price was agreed on and they were ready to transfer a title and the City Council asked that Fieldcrest-Cannon put that restriction in that deed and the disclaimer was put in that contract that Fieldcrest-Cannon was not imposing those restrictions on that land, that it was putting it in the deed at the request of the City of Eden.

Council Member Tudor stated that if they put it in why could they not take it out to which Mr. Nooe replied that he thought they could.

Council Member Tudor asked were they going to take it out as that was what he was getting at to which Mr. Nooe replied that currently it seemed that the majority of the Council said it would if that step became necessary.

Mayor Price continued in going back to the public hearing and asked if there were any other questions.

A motion was made by Council Member Janney seconded by Council Member Rorrer that this request be denied. Action on this motion was as follows: Council Members Rorrer, Grogan, Gover, Myott, and Janney voted in favor of this motion. Council Members Reynolds and Tudor voted in opposition. This motion carried.

Council Member Grogan replied, in response to Mrs. Stewart's second question regarding industrial prospects. He stated that two prospects had looked at the land within the past couple of months, but nothing has happened on it.

Mrs. Stewart asked if anything current was going on to which Council Member Grogan replied not to his knowledge.

Council Member Tudor asked if he could make a motion that they remove the covenant from the deed on this property and if they cannot remove it within the next 12 months, that the zoning go back to what it was originally, O&I.

Mayor Price noted that they would have to have a public hearing for a rezoning, but they could entertain a motion to remove the covenant.

A motion was made by Council Member Tudor seconded by Council Member Reynolds to remove the covenant.

Council Member Janney asked why he would want to even attempt to do that until they get a person interested in the property.

Council Member Tudor asked why they put it on there.

February 15, 2000

CITY OF EDEN, N. C.

Minutes of the February 15, 2000 meeting of the City Council, City of Eden, N. C. continued:

Council Member Janney replied that he did not put it on there, as he was not there. He stated that Council Member Grogan did not put it on there. He stated that what he was saying, if it was their covenant, they control it. He asked why they would go through the process of taking that off until they get a buyer or were going to give the land or whatever, and then they could do it all at one time. He stated that if he would read it, on both sides of that statement it plainly states both times that Fieldcrest Mills had nothing to do with it, they did not want it in there, as the City Attorney said, the city paid a full price for that land, it was free and clear, so why go through the process of doing that until they need to do it, it was not hurting a thing laying there.

Council Member Grogan added that at the time the city took title of that property it was brought to the City Council. The covenant was mentioned and he had never heard of the covenant until that night and he had asked the City Attorney if it would hold up in court and he said no, he thought it could be removed. He stated that in order to speed the meeting up, he had made a motion that they accept the deed. Had the City Attorney said that there was a problem as far as the deed restriction and so forth, he would never have voted for it and he might have been outvoted, but that was the only reason he made the motion.

He stated that he thought that a couple of people involved in that transaction, maybe not the people in negotiations, but he remembered Bob Harris sitting up there and he was involved in the whole transaction and covenants were never mentioned to him. He stated that at the time it was done, it was said the covenants would not hold up, if it was ever rezoned, and as they well know, he had been for splitting that park from the time they got the land and that had never changed because of the size of the park.

Mayor Price added that he was on the negotiating team and he was the one that encouraged them to have the covenant. He stated that he strongly felt it was the thing to do and he had hoped that the day would never come that they would split it and there they were. He noted that the motion was made and he was asking for the city to go through the process of doing that now.

Council Member Tudor stated that he was under the impression a minute ago that the Council put the covenant on, then Council Member Grogan just said the Council did not put the covenant on.

Council Member Grogan clarified, no; he made the motion to accept the deed.

Council Member Tudor asked who put the covenant on, as that was what he did not understand.

Council Member Grogan replied that it was in the document that was presented to the City Council to which Council Member Tudor thanked him, as he had not understood.

Action on the motion was as follows: Council Members Tudor and Reynolds voted to approve this motion to remove the covenant. Council Members Grogan, Myott, Gover, Janney and Rorrer voted in opposition. This motion failed.

(b) Consideration of a zoning map amendment request to rezone property on Morgan Road and Park Avenue from Residential-6 to Business General. Request submitted by Melvin Chilton and wife, Debra Chilton. ZONING CASE Z-99-20.

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

Mrs. Stultz explained that this was a request to rezone property on Morgan Road and Park Avenue from Residential-6 to Business-General. At their January 4, 2000 Planning Board meeting the Planning Board voted unanimously to recommend that the City Council deny this request.

She explained that the neighborhood surrounding the subject parcel is a part of the Park Heights Mill Village. This mill village, rather than being planned like those in the Leaksville and Draper areas, evolved over time and displays more diverse housing types and styles. As an important part of the community's history the neighborhood certainly warrants preservation. The area is

February 15, 2000

CITY OF EDEN, N. C.

Minutes of the February 15, 2000 meeting of the City Council, City of Eden, N. C. continued:

currently retaining its stability and staff was of the opinion that the further encroachment of B-G into the area could be detrimental to the residential character of the surrounding neighborhood.

She explained that the property had been the subject of several rezonings since 1989. For many years a neighborhood grocery and general store was operated on a parcel across the street. The property served that business for feed storage and other general uses for the general store. The feed storage building was removed and the general store closed. A 1994 request to rezone the subject parcel to B-G was denied. Business-General was the most liberal of the city's business zoning districts and thus allows intense retail and commercial establishments. The 1977 Land Development Plan of the city recommends medium density residential development for the property.

Therefore, she stated, based upon the foregoing information, staff recommended denial of the request.

Mayor Price asked if anyone would like to come forward and speak in favor of this request.

Mr. Melvin Chilton, 1202 E. Meadow Road, stated that he was the owner of Chilton's Body Shop which he purchased about 3 ½ years ago. He stated that when he first tried to buy the building back in 1989, the lot across the street was already B-G and it was not rezoned to residential until 1993. He stated that they keep talking about history and he was 56 years old and the only thing he ever remembered being on that lot was a feed barn and that lot went with the lot where he was.

He explained that he wanted to expand his business. He stated that he could do nothing with it as it was now zoned except build a house on it. He stated that he checked on that and he talked with some construction companies and it would cost him \$83,000 to build a house there, 1275' stick house, and he did not believe any one of them sitting on that board would go into that neighborhood and spend \$83,000 to \$100,000 to build a house when they could not get \$50,000 back for it when they got it done. He stated that he wanted to put some business over there so he could put some money in his pocket, instead of just having to pay taxes on it and cutting the grass. He added that he could not tell them what type of business he was going to put there. He stated that it might be something pertaining to his body shop, or his son, who was going into business making trophies and doing engraving, or his wife was thinking about crafts and that would be the type of business that he would put there. He stated that if they checked the neighborhood there was a business in front of it and one right beside of it.

Mayor Price asked if anyone else wanted to speak in favor or in opposition of this request.

Mr. John McLoud Robertson, 611 Park Avenue, stated that his family goes back to 1915 at their residency in Park Heights. He felt that their identity, the value of their property and the peacefulness of their neighborhood was in jeopardy by the encroachment of this zoning request. He stated that this was their community's second appearance before City Council within a year's time. He stated that they did not want to see City Council overstep their concerns once again, nor do they mean to encumber any Council Member. He stated that they recommend that City Council follow the unanimous motion by the Eden Planning Board of voting against the rezoning of that lot.

Ms. Lisa Doss, 610 Park Avenue, read a letter from Virginia Gillespe, who lives directly across from the lot. "My property directly faces the parcel of land in question. I have lived in this home for many decades and I am now 97 years of age. I could not physically attend this meeting due to health reasons. I wanted you to know that I am opposed to the rezoning of this property to business-general due to the residential area surrounding it. Our homes will lose their values somewhat if the business section continues to expand towards our homes. I have nothing against Mr. Chilton whatsoever, but only ask that you consider not changing this parcel to have it become a business lot right in front of our homes. This family neighborhood has great potential and we would like to keep it just that, a neighborhood."

Mr. Thad Rogers, 425 Chestnut Street, explained that he grew up on Park Avenue and had family there. He stated that this area had faced this issue before and there was nothing against

February 15, 2000

CITY OF EDEN, N. C.

Minutes of the February 15, 2000 meeting of the City Council, City of Eden, N. C. continued:

business, or Mr. Chilton personally, but in keeping and maintaining the aesthetics of the area and the existing potential of a growing traffic problem in the thoroughfare from using Park Avenue going over to Church Street from Morgan Road, he just asked that they recognize and support the recommendation from the Planning Board to deny this request.

Ms. Judy Snyder, 624 Morgan, stated that she also had a house at 712 Morgan Road that was beside Mr. Chilton. She stated that she had nothing against Mr. Chilton, but he already has a lot of cars and things to the left of her rental house. She explained that she had been working on this house and also the one she was living in trying to get it suitable for the neighborhood and she thought that this would be the wrong thing to do.

Mr. Paul Robertson, speaking from the audience, stated that he wanted to join his neighbors in opposing this request.

As no one else came forward to speak in opposition, Mayor Price declared the public hearing closed.

Council Member Rorrer asked Mrs. Stultz to read what could go into B-G if approved.

Mrs. Stultz explained that as she had said earlier, it was the most liberal of their business districts. The opening statement of Business-General says that it permits everything that was allowed in Business-Central and then a fairly considerable list for B-G. She asked if he wanted her to read them all.

Council Member Rorrer replied in the affirmative, as he would like the public to know.

A copy of permitted uses for B-G and B-C is on file in the Planning & Inspections Department.

Council Member Janney asked about R-6. He stated that other than residential, could anything go in R-6.

Mrs. Stultz replied that there was not that much that would go in R-6. She stated that it allowed anything that would go in R-20 and R-12, which was single family residential and multi family with a special use permit. She added that it allowed group housing, churches, schools, and just those kinds of uses.

Council Member Reynolds commented that he did not think the lot was big enough to put all that stuff she said on there. He did not think he was going to put a rocket factory in there.

A motion was made by Council Member Grogan seconded by Council Member Rorrer to deny this request. Action on the motion was as follows: Council Members Rorrer, Grogan, Myott, Janney, Tudor and Gover voted in favor of this motion. Council Member Reynolds voted in opposition. This motion carried.

- (c) Consideration of a zoning map amendment request to rezone property on Cascade Avenue in the city's extraterritorial jurisdiction from Industrial-2 to Residential-Suburban. Request submitted by Dewitt Howlett. ZONING CASE Z-99-21.

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

Mrs. Stultz explained that this request filed by Dewitt Howlett was to rezone property on Cascade Avenue in the city's extraterritorial zoning jurisdiction from Industrial-2 to Residential-Suburban.

The Planning and Inspections Department recommended approval of the map amendment request and at their January 4, 2000 regular meeting, the Planning Board voted unanimously to recommend that the City Council approve this request.

She explained that the request was to rezone two tracts in the city's extraterritorial jurisdiction from Industrial-2 to Residential-Suburban. Residential-Suburban is a zoning district

February 15, 2000

CITY OF EDEN, N. C.

Minutes of the February 15, 2000 meeting of the City Council, City of Eden, N. C. continued:

characterized by suburban residential and agricultural uses. The area is characterized by rural large lot residential development and farm uses. There are two industrial uses located to the south of the parcels on the east side of Cascade Avenue.

The city's 1977 Land Development Plan recommended industrial development for the area. In 1993 the Planning Board recommended Residential-Suburban for the subject area, when the update to the city's land use regulations was being considered.

She stated that based upon the foregoing information and decisions that the Council has made in the recent past to tracts that are adjacent, the staff recommended that the request be approved. She noted that a fair amount of the actual tract of land was in the county's zoning jurisdiction and was zoned residential-agriculture and this would basically allow the same uses on all the parcel.

Mayor Price asked if anyone wanted to speak in favor of this request.

Mr. Dewitt Howlett, 1207 Harris Street, explained that they wanted the land rezoned to reflect the use that was already there. He stated that as far as he knew, there had been farming there on that particular tract of land. He added that he had a gentleman there with him who had farmed the land for 27 years and there was no water or sewage and the land would not perk so it would be of no use for anything else.

Mr. Cedric S. Willard, Route 3, stated that he had rented this land for years before Mr. Howlett bought it. He explained that he tended the land when it was owned by Spray Water Power & Land and Mr. Bishopric bought it from them and they agreed that he would continue to tend the land and he had done so for all these years.

Mayor Price asked if anyone would like to come forward to speak in opposition of this request and as no one came forward he declared the public hearing closed.

A motion was made by Council Member Gover seconded by Council Member Rorrer to approve this request. Action on the motion was as follows: Council Members Gover, Rorrer, Grogan, Myott, Janney, and Tudor voted in favor of this motion. Council Member Reynolds voted in opposition. This motion carried.

MONTHLY FINANCIAL REPORT:

(a) Financial Reports

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

Mr. Ray Sharp, Finance Director, explained that the Council had before them the financial statements for the month of January 2000. Their Undesignated Fund Balance was up, they were above the minimum 3-month reserve, \$675,611 above that amount. He stated that their Undesignated Fund Balance at this point and time was \$801,476 and they have had a \$712,779 increase in cash. He noted that on page 3 of 12 of the report was the calculation of the Undesignated Fund Balance. He explained that they were required by the State Statute to meet some of those things and in accounting they have to reserve certain items. He stated that they have \$4,366,588.26 in cash in the General Fund, of which \$3,023,523.80 was available for use.

Mayor Price referred to the minutes (January 18, 2000), where Mr. Sharp had made a comment that anything over the Undesignated Fund Balance that was under the 3 month reserve, the city did not have any money. He asked if that was what he had said.

Mr. Sharp replied no and explained that the question that was asked of him was that if they were to take the Undesignated Fund Balance and put it into another fund, would they have any funds left. He stated that once they designate that balance, then they did not have an Undesignated Fund Balance because that was what the Undesignated Fund Balance was, money that was available for use that did not have a specific purpose assigned to it.

February 15, 2000

CITY OF EDEN, N. C.

Minutes of the February 15, 2000 meeting of the City Council, City of Eden, N. C. continued:

Mayor Price pointed out that in the Undesignated Fund Balance they were paying Accounts Payable with money from the Designated Fund Balance.

Mr. Sharp explained that the way you compute the Undesignated Fund Balance, you take your cash that you have on hand and by State Statute you must reserve cash for your receivables, your encumbrances, and any other funds that you have set aside like the Powell Bill, that was Designated, the Grants, like the LLEGB grants, controlled substance, inventories, any item that was not cash must have cash set aside for that particular item. He explained that this formula set aside by the state was the same formula used by the auditor when they determine the Undesignated Fund Balance and that was the formula that was used. He stated that basically, it was saying after you set aside those items, you have 3 million plus dollars to be used for any public purpose that the City Council so desired.

Mr. Sharp continued with the Water & Sewer Fund and stated that the Undesignated Fund Balance was \$3,095,293.85. He noted that this was on 4 of 12 and it was up \$288,301.35. Their total cash in the Water & Sewer Fund was down \$499,872.99.

He noted that on page 5, 6, 7 and 8 of 12 was a brief Revenue and Expenditures Summary. He stated that the end of January was their seventh month of the year and anything above 58 1/3% was above where they should be at this time. He noted that on the General Fund they have collected 68.90% of their Revenue and in their totals they have only spent out 53.09% of their Expenditures.

He stated that in the Water Fund they have collected 41.16% and have paid out 40.16% and those figures were a percent of the budgeted amount.

Mayor Price asked if he was still using the 58% number.

Mr. Sharp replied that he was and if you go down the line and see anything that was above 58%, this item was above where it would be if all payments were considered equally and for clarification, when he considered all payments during the year equal that was because there were some payments that were not equal. He used as an example their insurance, which was paid the very first of the year, it was a large amount of money and it kind of skewed things for a while. He stated that over all, for all of their funds, they have collected 49.52% of their Revenue and have only paid out 44.21% of their Expenditure.

He continued with the Cash Flow Statement and explained that they started the year July 1, 1999 with \$1,146,025 behind where they were last year (1998) at that time. He stated that currently, at the end of January 31, they were only \$324,031 behind where they were at that time. He noted that page 11 of 12 was a summary of all the cash that they have. The total cash that they have in the city was \$11,340,821.17, of which they have their Temporary Investments and those investments were \$9,711,721.96.

As there was no other questions or discussion, Mayor Price thanked Mr. Sharp for his report.

REQUESTS AND PETITIONS OF CITIZENS:

No one came forward to speak for requests and petitions of citizens.

UNFINISHED BUSINESS:

- (a) Consideration of Cable Television Franchise Agreement with Time Warner.

The memorandum explained that at the January 18, 2000 meeting, the Council approved a first reading of the Cable Television Franchise Agreement (draft). The consultant, Mr. Dave Harris, Piedmont Triad Council of Governments will be present at the February meeting.

Mr. Dave Harris, the city's cable consultant from the Piedmont Triad of Governments, explained that this was the second reading of the cable television franchise agreement between the city and Time Warner Fanch. He explained that this was a non-exclusive franchise agreement for a period of 15 years. It contained an upgrade of the system that will be completed by June 30,

February 15, 2000

CITY OF EDEN, N. C.

Minutes of the February 15, 2000 meeting of the City Council, City of Eden, N. C. continued:

2001. He stated that he would caveat that date by saying that he could almost assure them that Time Warner would have that upgrade done well before June of the year 2001 as they were currently working on it. There was also a provision within the franchise agreement for Time Warner to grant the city a sum of money for its use for an educational channel that was going to be established by the local community college. He noted that both Mayodan and Madison have contributed to those funds. He stated that the county's economic development indicated that one of the biggest problems was bringing the citizens in and offering them a chance for education so that they could support their industry in the county. He stated that the community college had agreed to establish an education channel that would be established upon completion of the rebuild of the cable system and would be a direct link from the community college into the head end of Time Warner. He explained that the education channel would have continuing education and other educational matters for the citizens within the viewing audience within Time Warner.

Council Member Rorrer questioned the 15 years.

Mr. Harris explained that when the franchise agreement was negotiated, some of the things they laid on the table for the needs of the community was the upgrade of the system and the channels that they have now, an education channel, and in order to get money for the education channel and to have Time Warner upgrade the system it was necessary to negotiate a 15 year term. He added that Time Warner would be more than happy to give them a lesser term but at a lesser term they would not receive an upgrade of their cable system nor receive a grant for the money for the education channel. He stated that his personnel opinion and recommendation was to go with the 15 year so that they afford the opportunity to the citizens of Eden to receive upgraded cable, more channels, and also Roadrunner, which was a high speed data transmission cable modem that goes over the cable lines.

Council Member Gover asked if he was saying that if the city did not have the 15 years they would not get that update.

Mr. Harris replied that was what Time Warner indicated when they were in the negotiating process.

Council Member Janney asked if that grant for \$6500 was a one time grant to which Mr. Harris replied in the affirmative.

Council Member Janney asked if they would keep up the system for the time of the contract.

Mr. Harris replied that they would and they have already provided a lot of equipment to the community college at no cost as well as expertise from their staff. He stated that this \$6500 was a one time grant it did not impact cable rates or pass through to subscribers it, it was what it was, a grant.

Council Member Janney stated that Time Warner said that they would provide at no charge all equipment necessary for the operation of that channel to which Mr. Harris replied that was correct.

Council Member Janney asked if that equipment was equipment from their end or the college.

Mr. Harris replied both. He explained that what basically happened was that the community college had VCRs, cameras, and so forth, and they make a tape, buy a tape, or borrow a tape, and they could put it in there and put it on the education channel. The equipment they have right now gives them the approximate capability of 4 or 5 stacks of tapes that could play continually or anytime. On top of that there were some equipment necessary in the head end plus there was the channel and the community college had also received some state funding in the budget to buy some equipment.

Council Member Janney posed a question as to what if he wanted to receive that at his home to which Mr. Harris asked if he was a subscriber to Time Warner. Council Member Janney replied that he was to which Mr. Harris replied that he could receive it and any subscriber to Time Warner in the area, after the rebuild, would be able to receive it.

February 15, 2000

CITY OF EDEN, N. C.

Minutes of the February 15, 2000 meeting of the City Council, City of Eden, N. C. continued:

Council Member Janney asked, so if the college offered a course at home, he could take it at home to which Mr. Harris replied that was correct.

Council Member Janney expressed concern about the 15 homes per mile.

Mr. Harris replied that the 15 homes per mile would be an impact if they were going to annex an area, because their franchise agreement and their ordinance say that anyone that was in the service area, which was in the incorporated areas of the boundaries of the City of Eden, could receive cable television. He stated that the 15 homes per mile really talked about areas that were annexed in the future, so if they annexed, for instance, a subdivision and there were 5 homes in it, then Time Warner was obligated under a cost-share with those 5 home owners to go through a mathematical process, the homeowner pays so much and Time Warner pays the other half and as other homes come into that area then those original owners were refunded the money.

Council Member Janney asked if he was saying that they are going to be refunded the money they have paid in previously to which Mr. Harris replied that they would get a portion of it.

Council Member Janney noted that he did not see that in there and added that he may not have read it right to which Mr. Harris replied that it was in there.

Council Member Janney asked, so everybody in the city, at the time they agree on this contract, would get cable television, if it was one house per mile.

Mr. Harris replied that actually they did now, because their franchise agreement said so.

Council Member Janney stated that if they annexed and the developer was slow getting there, what would happen then. He supposed that if they annexed and the developer said, "I'm going to build 5 houses here on this street this year, I'm going to build 5 more next year", it was going to be 3 years before they get a reduced rate. He asked if he was telling him that they were going to get part of their money back and...

Mr. Harris explained that there was a two-year limit on it. He added that they would hope that the developer would get together with the cable operator and when they open the trench line for everything else that they put the cable at the same time.

Council Member Janney agreed and stated he would hope that would happen to which Mr. Harris pointed out that it seldom happened in North Carolina.

Mayor Price wanted to clarify that he was tying into the developer not just putting 2 or 3 homes on the street as he just wanted to make sure everybody understood that, that this did not go into perpetuity on the charge back.

Council Member Grogan added that this was the annexed area.

Mayor Price stated, so the guy who paid his prorated share, if his neighbors did not build out in 2 years then that was it to which Mr. Harris replied, correct.

Council Member Janney questioned the little zip going across the bottom of his television screen, "WXII cannot do this".

Mr. Harris explained that WXII was recently purchased by Hearst-Argyle, who owns Lifetime Cable and they purchased 33 separate channels across the United States. Between the cable operator and WXII in this case, FCC rules that there must be negotiated every 3 years a retransmission agreement. He explained that gives the channel, WXII gives consent to Time Warner in this case, to carry channel 12 on their cable channel. He stated that at the corporate level, at the end of that 3 years and when Hearst-Argyle came on board, in all 33 of those markets there was a move by Hearst-Argyle to increase some cost for Lifetime Cable Channel and Time Warner objected to that and now at the corporate level they were negotiating. He stated that on December 31 the plug was going to be pulled and that moved to February 15 and

February 15, 2000

CITY OF EDEN, N. C.

Minutes of the February 15, 2000 meeting of the City Council, City of Eden, N. C. continued:

now it has moved to March 2. He explained that Time Warner puts that runner under there because they are obligated under FCC rules to notify subscribers at least 30 days ahead of time if they are going to change a channel line up. He stated that as they could see, they had to put something on there to notify subscribers that they thought the plug was going to get pulled on WXII. He added that he had no indication of what was going to happen. He stated that he had received information from both WXII and Time Warner and they have views that do not necessarily match up, so he suspected that their corporations were in some kind of deliberations of which he was not privy to.

Council Member Gover referred to the update and all the improvements and asked what would the citizen be getting.

Mr. Harris introduced Mr. Bert Kennedy, the new General Manager for Time Warner, and stated that he was an expert on upgrading and rebuilding of cable systems. He stated that Mr. Kennedy could explain those improvements.

Mr. Kennedy stated that he had been with Time Warner for about 16 years. He stated that he had gone through upgrades in Randolph County, the City of High Point and he was now working on the process in Rockingham County. He stated that Time Warner sent him there solely for that purpose. He stated that Rockingham County and the surrounding area have over the many years had different channel lineups, different rates for different levels of service. He stated that one of his jobs is to bring all those together into sync so that the citizens of Eden were receiving the same levels of service as the citizens of Madison/Maydoan at the same price that they were receiving.

He stated that in answer to Council Member Gover's question, what would the citizens receive, basically with the new technology that was out there they were receiving on a daily basis a lot of requests for a lot of the new services that were out there and were available. He stated that those would be things such as the Food Network, the Home & Garden and basically it was giving a lot of band width that they would allow them to bring the new services that were being built and brought forth each and every day to the citizens at their request. He stated that it was a digital service and there was an improvement in the quality of both the sound and the visual affect of what they were able to see on the television and with the upcoming high definition television it was going to be necessary.

Council Member Gover commented that he was hoping he was going to say there would be a rate break in there somewhere but he did not. He added that he knew they were all looking for that. He asked if when they put the fiber optic in, was it supposed to allow them to do many more things at a cheaper rate.

Mr. Kennedy explained that fiber optic would allow an extremely increased amount of bandwidth which would allow them to do many more things. He stated that the more things you can do and the more you can take advantage of, certainly. He stated that if you look at it on a per use charge it would become cheaper. He added that as it was with many things the more you make use of a service, the more you get. He stated that they were not going to see a decrease as a result of the upgrade. He explained that what it would do was mainly allow for all the future technology with everything that they have seen from the interactivity to video and demand, there was a lot of different issues out there that were being dealt with, the Roadrunner, the Internet service, the high speed data transfer and they were also working with actually doing just the data. He stated that there were a lot of upgrades that would come with the fiber upgrade, not to mention the level of service that they would receive from it because of the quality and reliability of the equipment involved and the technology was just so far superior to the conventional that they have had.

Council Member Janney asked that when they get through with their upgrade, 2001 or whatever were they going to have an increase as he had said they would not have a decrease.

Mr. Kennedy replied that just because of the number of rates that were involved in all the different areas he was currently dealing with, so as not to answer him incorrectly, he would

February 15, 2000

CITY OF EDEN, N. C.

Minutes of the February 15, 2000 meeting of the City Council, City of Eden, N. C. continued:

appreciate the opportunity to bring that answer back to them after he had reviewed the mixture of the rates that they were currently working with.

Council Member Janney pointed out that maybe he would vote on it contingent on his answer to which Mr. Kennedy replied that was his option. He stated that what he was trying to say was that he would not want to give them some bad information. He stated that he did not believe they saw an increase in this past year and he did not believe there would be one but he did not want to commit to that without first reviewing it.

Council Member Janney asked Mr. Kennedy to send the information to the City Manager and he could get it to the Council.

Mr. Thomas commented that very basically, the upgrade, by having an increased band width, by being able to put more channels into a smaller space, right now they presently have around 42 channels, including the premium channels and so forth. He asked how many channels on the system would this upgrade give them the capability to have.

Mr. Kennedy replied up to 200 plus.

Mr. Thomas stated that his experience with previous refranchising in Catawba County, he thought they need to understand, as more channels were added, that some of them come at a cost to the cable operator and there would be increases in the service rates based on what those costs may be.

Mr. Kennedy agreed and stated that all of which for the most part was regulated based on the cost of them providing that service. He stated that as their cost increased, then that would go into the mix of the rate regulation. He added that those additional services would certainly be optional.

Mr. Thomas stated that in the process of this upgrade and in conjunction of the refranchising for the term that they have asked what consideration was being given to any new office facilities for Time Warner in Eden so it was a little more user friendly to the citizens.

Mr. Kennedy replied that currently, he had met with a builder and he was in search for land that would support the facility. He stated that basically they were looking at a 5,000 square foot facility and they have also opened up two payment locations in addition to the local offices. He stated that he would hate to give a time frame, but his objective was that they would have a single center that would handle the county of Rockingham. He stated that this would be in a single facility as far as from the telephone operations with many payment locations throughout the county.

Council Member Janney asked that when they get the channel hooked up at the college and he received it on his television was it going to cost any more to get that channel.

Mr. Kennedy replied, no as it was in the basic service.

Mr. Harris commented that he wanted to clarify that upon the completion of the upgrade they would have the channel lineup similar to what was in Greensboro. The basic cable service would not be increased, the tier service probably would not be increased, there may be some juggling of channels, but what they would be offered was a lot of other services, packages, premium services that they could pick and choose.

Council Member Gover referred to the franchise agreement, page 3, Section 6, paragraph b, regarding new residential construction, 18 months... and asked if that was within in the city limits...

Mr. Harris replied that this was where they were talking about on the line extension on the annexed areas, that Time Warner was required to provide that service within 18 months, and if they go to the next page then it says at the end of 24 months the completion of the project and everything was completed.

February 15, 2000

CITY OF EDEN, N. C.

Minutes of the February 15, 2000 meeting of the City Council, City of Eden, N. C. continued:

A motion was made by Council Member Grogan seconded by Council Member Myott that the agreement be approved.

Mr. Thomas commented that he wanted to clarify for everyone who may not be aware, this was the second reading on this franchise as it was approved at its first reading at the last Council Meeting and they were required to do a second reading on it and this was the second reading on this agreement.

Council Member Janney expressed appreciation to Mr. Harris as he had talked with him earlier and he had explained some things to him that he had not understood.

Council Member Rorrer asked if they did not have a committee for this thing.

Mayor Price replied that they did have a Cable TV committee.

Council Member Rorrer asked if they had a recommendation from them to which Mayor Price replied no.

Council Member Grogan interjected that they just had a motion from the chair that it be approved.

Council Member Rorrer stated that he believed that did not answer his question which was had the committee met and discussed the agreement to which Council Member Grogan replied they had not.

Council Member Rorrer stated that he could not vote for 15 years as he may not be there then, somebody else needed to be around to decide that.

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

(b) Consideration of proposed revisions to the Eden City Code.

The memorandum explained that in the Fall of 1999, the City Council had asked the Director of Planning & Inspections to prepare a report about the possible extension of the city's extraterritorial jurisdiction (ETJ). The report outlines the necessity to meet certain requirements that the County Commissioners have required other jurisdictions to meet when requests have been made for ETJ extension.

Mrs. Stultz explained that last fall at the City Council's direction she was asked to prepare a report as to what might be involved should the City Council decide it wanted to extend the ETJ. She stated that among those things were some requirements that the Rockingham County Commissioners have set out for other jurisdictions that have asked to have their ETJ's extended. She explained that what the state law says is that when the county is doing planning, zoning, a subdivision, or building inspections, that if they were going to extend their ETJ into those areas under prescribed circumstances that the commissioners have to agree to that.

She explained that what she had presented to them amounted to some ordinance revisions that have been required for other jurisdictions that have made this type of extension. In the original report there were some recommendations about areas to be considered first for ETJ extension. She explained that hinged on some other decisions this Council would make. She stated that if they all decided to do those things then they could take a longer look at what areas they might consider and what timetable they might want to get on to do those things. She stated that they did need to have the things in place so they could tell the Commissioners the city could meet the requirements, if the Council decided they wanted to pursue this.

She explained that it entailed the ordinance making power for all the planning related ordinances and she had given them statutes and lists and those kinds of things. They were already doing zoning, subdivision and building code regulation in their extraterritorial area. She stated that

February 15, 2000

CITY OF EDEN, N. C.

Minutes of the February 15, 2000 meeting of the City Council, City of Eden, N. C. continued:

should they decide to extend that those ordinances would make it so that, not only for the extended areas, but other areas in their ETJ, it would expand their code enforcement abilities.

Mayor Price asked if she was saying the first order would be to address the Planning Board with their request to identify some areas.

Mrs. Stultz replied that was correct. She stated that she brought it to the Council first to see if it was something that they wanted to consider. She explained that what she was asking them to do was that if they decided to do it, that they call a public hearing and then it would go to the Planning Board at their March regular meeting and then it would be back at that time.

Mayor Price asked if it would be at the April meeting to which Mrs. Stultz replied that it would be in March if they called it tonight.

Council Member Janney commented that was not the way that he understood the request from Council. He stated that he understood that the request was to look at the area toward Bethlehem Church Road and Harrington Highway back in that area. It had nothing to do with anything to the North Carolina-Virginia border.

Mrs. Stultz agreed that he was right, the only area that the Council had mentioned to her was exactly what he was talking about, and the other areas were areas that, as the Planning Director, she thought at some stage should be considered.

Council Member Janney stated that he did not want to get too far into this thing too quick. He stated that he was not willing to take on the whole extraterritorial district around this city one mile out, because they have beat that dog before in this Council Chambers and the one mile out all around the city was much larger than the city itself.

Mrs. Stultz agreed that there was about 25½ square miles in the whole jurisdiction.

Council Member Janney stated that he was willing to piecemeal it and go that direction and look at that because it was suggested by the Board. He stated that he was bitterly opposed to anything else in the extraterritorial district and he did not want to set the stage to go anywhere else.

Mrs. Stultz explained that this was about ordinance revisions. Then, they all decide that they were ready for them to begin the work on those areas, and if they were ready for them to take a look at it beginning now, they could start that. She stated that the area that he was talking about extending they could start the process for that and get it along to the Council, but assuming that the area, they were all telling her that they were interested in extending it, if they went soon and asked the Commissioners, as the city's ordinance existed now, they could not answer yes to the questions that they have asked to the City of Reidsville in the past, if they were able to do certain things in that area and so that was what this was all about.

Council Member Janney commented that he was not willing to take on the county's responsibility any more in the ETJ and that was his position. He stated that if she wanted to go that way and do that piece, he did not know whether this Board would ever annex that way or not, but she was asked to do that and he agreed with that, but he did not agree with all this other stuff she had in there.

Mrs. Stultz explained that this was just in her recommendation and they would not start in any area until the Council gave an endorsement for that.

Council Member Janney stated that he hoped the records show that it did not go any further than that.

Mayor Price asked, and the process goes to the Planning Board regardless to which Mrs. Stultz replied that those ordinance amendments would have to go to the Planning Board.

Mayor Price asked that she identify the ordinance amendments that she was talking about to which Mrs. Stultz explained that it was sections of the city codes. She explained that it was the

February 15, 2000

CITY OF EDEN, N. C.

Minutes of the February 15, 2000 meeting of the City Council, City of Eden, N. C. continued:

code sections and if they would look at the back, on the draft ordinance that she had sent through, and that was just something for them to look at, Mr. Nooe would certainly need to review it, it listed Sections 4-71, 4-103, 6-36, and 6-67. She explained that before the ETJ itself could be extended, and a lot of them knew, and she knew that Council Member Gover was involved with the Board of Adjustment at that time, when the original ETJ was taken in, it was like passing a whole new zoning and you go through all those same procedures so they would have a lot more steps to jump through but this was just the beginning.

Council Member Gover pointed out that they were trying to get enforcement now on those ordinances. He asked if she was just saying they carry those over into that to which Mrs. Stultz replied in the affirmative.

Mr. Nooe commented that he thought from a legal standpoint it would be well if the City Council had a meeting to examine the expenses and costs involved in enforcing those ordinances right there within the corporate limits before they make the decision to amend those ordinances to take in an area as large as the City of Eden and have legal obligation to enforce those ordinances in the extraterritorial jurisdiction and the resources. He stated that there needed to be serious consideration given to the resources available to the city to enforce what was already in the corporate limits because a major limitation on more active enforcement was finances. He stated that it needed to be a serious consideration given not only to the personnel costs but the potential amount of money the city would be expending to clean up buildings, for example, of which it would not recover a fraction of the cost because the land was not worth a fraction of the cost of the demolition and removal of many of the structures. He stated that before they double their obligation, he would hope they would really have an inventory and a realistic estimate of what it would cost to have the type of enforcement this would require inside the corporate limits, which was not now being done. He stated that he was not saying that it should, but he was saying that if they wanted more done it was going to cost substantially more.

He used as an example, tomorrow; the Sheriff was holding an execution sale for selling a lot on Washington Street that the City of Eden invested more than \$12,500 in when it was demolished. He stated that the city would be fortunate to get back out of it the property taxes and the cost of the execution proceeding. He stated that they were not going to begin to recover the \$12,500 in his opinion, so he thought they needed to look at those sorts of things because they have another one coming up in March which maybe they could recover the full amount in that particular one. He stated that they run into so many different things, such as they get people to agree to let the Fire Department burn them and the city haul off the debris and then run into asbestos and the expense in getting the building off it can be more than the lot. He stated that he thought that was something the City Council should devote a special meeting to and let the Planning Department and the City Manager bring to them the amounts of money that have been expended and the projected amounts of money involved if they double the area that they have this responsibility in.

Mayor Price pointed out that if they went to the area that they were thinking about it was just about brand new.

Council Member Grogan added that he did not think they were talking about doubling the area, he thought Council Member Janney made it extremely clear that they were talking about following the south portion to which Council Member Janney noted that it said "double".

Mr. Nooe stated that one of her first proposals was to proceed with the amendment of the ordinances.

Council Member Gover stated that was his question when they were talking about taking those ordinances over into there as they were not enforcing what they had now.

Mr. Nooe replied that he thought they may be enforcing them and they may be enforcing them more than they really realize but if he knew citywide and that was why he thought they should hold a special meeting.

February 15, 2000

CITY OF EDEN, N. C.

Minutes of the February 15, 2000 meeting of the City Council, City of Eden, N. C. continued:

Mayor Price asked if he was saying that they were enforcing them more than they realized. Mr. Nooe replied, yes, he thought they were enforcing those ordinances more than they really may be aware.

Mayor Price asked in what terms.

Mr. Nooe replied, in time and personnel devoted to it. He used as an example the junk car violation down there on one item at Gilley Street, the Planning and Zoning Department spent nine months going through the process of getting to the final warning to correct the problem down there. On August 28, 1998 it issued an order, the final warning and gave the owner until the 28th of September 1998 to correct it and they did not do it. The city instituted legal action in October 1998. First they had some delay in getting service on the defendant because he could not be found anywhere. They got the complaint served on him and he had maybe 30 days to file an answer and that ran it over into January. He then goes to the court and gets a 30 day extension to file an answer so he has over into February to file the answer and he did not file the answer. They schedule it in the court for trial and try it in May. They get a judgment around May 7, 1999. The court gives him 45 days to correct it and he waits almost to the very end and then hires a lawyer and files a motion to have the judgement set aside because they failed to follow due process and violated his constitutional rights. He stated that they have a hearing on that and in June the court finds that it was not violated, yet he still had an opportunity to appeal the Court of Appeals. His lawyer asked for 30 days to clean it up so they held up for 30 days, past the time that he could have appealed and he did not do anything. They cited back to court in August and had a hearing in August. He did not do anything and had a motion served on him for show cause. They had a hearing in September and the court finds him in contempt gives him up into October to do something and come back in court. They were back over there then and he had not done anything, the court gives him one more opportunity up until November. They were back over in November, nothing done, they were back over in December and court puts the man in jail for three days and he gets out and they were back over in court in January. So that was one case. Now, one lawyer and one director there was not going to do her other job and him do his other jobs and get many of them, and that was the kind of people they were dealing with.

Mayor Price stated that he knew what he was saying as they were singing out of the same book. He stated that he knew what he had gone through but he also needed to understand that everybody on this Board get calls everyday.

Mr. Nooe replied that he did know that.

Mayor Price stated that he knew that he was doing all he could and he did not want him to take him wrong.

Mr. Nooe stated that he was not doing all he could and Mrs. Stultz was probably not doing all she possibly could.

Mayor Price pointed out that they have demands and they continue to have them and of course, they were just creeping up. He stated that he thought everybody realized that. He stated that his point was that the area was a fairly new developed area.

Mr. Nooe replied that he had no problems with that, he did have problems with extending all those ordinances to their extraterritorial jurisdiction.

Mrs. Stultz commented that she did not know of a way they could extend those ordinances into a new part of the ETJ and not all of it.

Mayor Price asked if they could extend the extra territorial areas without the ordinances.

Mrs. Stultz replied that they could ask the Commissioners. She explained that the only reason she had made this recommendation and it was part of her report, was that those were the things, the questions they have asked and things they have required the City of Reidsville to do when it has received extensions, based on the information she had been given. She stated that she knew that Code Enforcement was one of the most sensitive issues that they all deal and it was a real quality of life issue for residents in their community. She added that she knew that they all have

February 15, 2000

CITY OF EDEN, N. C.

Minutes of the February 15, 2000 meeting of the City Council, City of Eden, N. C. continued:

lots of conversations with citizens about those things and they were doing the best they could to get it cared for and as quickly and efficiently as possible.

Mayor Price asked Mrs. Stultz if they could petition the County Commissioners to get their feeling or permission to take some extraterritorial area in.

Mrs. Stultz replied, yes they certainly had that right to which he asked if they were talking about just the specific area.

Mrs. Stultz replied that that if they would like, she would get back to them to make sure what areas they were talking about and bring it to them and she could identify it and ask them the question, that was certainly their right.

Council Member Gover pointed out that they should be able to see what money was involved to which Council Member Janney agreed and stated that Mr. Nooe had made a good point.

Council Member Rorrer commented that before they get into the whole works there, what they were saying now was not involving the money.

Council Member Janney replied that it would, when she comes back with a report from the county and what they would do, then that was when they would need to sit down, like the attorney suggested.

Council Member Rorrer added that it depended on what they want them to do as they may agree with them, not likely, but they might.

RECESS:

Mayor Price called for a short recess before continuing the meeting.

UNFINISHED BUSINESS CONTINUED:

Mayor Price explained that due to the length of items on the agenda, the meeting would need to be continued tomorrow at 5:00 p.m. He explained that they have some people who have come to discuss a couple of issues and he felt compelled at some point and time before they leave, to allot a few minutes to them for discussion.

(h) Consideration of approval of bids for City Hall Renovation.

Mayor Price asked that they move to item (h) in old business, which was consideration for approval of bids for City Hall renovation. He explained that in doing so, the architect was present and to open the conversation, he asked the City Manager to go through the conversation and initiate the comments.

Mr. Thomas explained that bids were received and opened at City Hall on January 26th at 3 o'clock. He stated that through discussions with the Council, they made a number of changes that were incorporated into this project and what they did was list those items in the bid specifications as alternates so that as the Council may choose, based on the availability of funds or based on just the pricing they may have received, they would be able to select particular alternates as a part of the project. The bids have been reviewed and tabulated by Archer Joyce, the architect, and he has presented that information to them in their packet. He stated that as far as his review of those bids, the available budgets, where they were, from that standpoint of cost to date and his recommendation on how to proceed. He then asked Mr. Joyce if he would bring them up to speed on where they were.

Mr. Archer Joyce, Architect for McRae-Bell, explained that he did not know that he had a lot to add. He stated that if he could formally read what he had written in the letter, it says, "McRae Bell Associate Architects, PC, recommends that the City of Eden accept the base bids and alternates G1, G2, G3 and E1 and award the single prime contract for construction to Lomax Construction Incorporated." He stated that just by way of clarification, alternate G1 had been with the project since its inception and that was the alternate dealing with the fixed seating in the

February 15, 2000

CITY OF EDEN, N. C.

Minutes of the February 15, 2000 meeting of the City Council, City of Eden, N. C. continued:

new Council meeting room. He explained that alternate G2 was re-roofing the entire building and G3 was screening the existing and new outside equipment that was on the south side of the building.

Council Member Gover questioned that he said screening enclosure to which Mr. Joyce replied in the affirmative. He continued in that alternate E-1 was an emergency generator for the entire building. They originally had one for the communications room in the Police Department and alternate E-1 places a larger emergency generator for the entire building. He then asked if there were any questions.

Council Member Grogan posed a question for Mr. Joyce and the City Attorney. He stated that in looking at all of it, it was about a \$3,000 to \$3,500 difference between the local contractor and the other contractor. He asked if under state law, were they required to go to the lowest bid.

Mr. Nooe replied that it was not absolute, but there were factors they would need to consider and they should put in the record that those have been considered so that there would be an explanation of why they were not going with the low bid.

Council Member Grogan stated that his next question was if Mr. Joyce considered any of that when he put those numbers together and had he considered that Dave's Construction was a local contractor in Eden, and paying the subcontractor's locally in Eden, possibly doing the work.

Mr. Nooe pointed out that he did not as that would be a factor unless indirectly it was concluded that maybe it would in some other way expedite the work in some fashion. He suggested that he could discuss the statue with Mr. Joyce, then he could make his recommendation assuring them that in his opinion that it should be this way, not that he had to consider the matters that the statue recognized could be considered, other than just low bid.

A motion was made by Council Member Grogan seconded by Council Member Myott that the item be tabled until tomorrow, (Wednesday, February 16th).

Council Member Janney questioned that when he had those alternates in there, there was nothing that said they had to accept any alternates to which Mr. Joyce replied, no, they did not and Council Member Janney pointed out that they could go to the base bids.

Mr. Joyce explained that they could accept any or all of the alternates they wanted. What he was simply looking at was the available funds that he had been told were designated for this project and looking at the bids that came in and the numbers tell him that the budget would support accepting base and all the alternates and numerically he had recommended that based on the company that submitted the lowest combination. He added that they did not have to accept any or all of the alternates, they did not have to accept any of the bids period.

Council Member Janney asked if they could accept the low bid and then pick and choose the alternate person.

Mr. Nooe replied that he thought that in fairness to architect and the bidders it would be better if they went over the general statues and it put in the record the reasons for his recommendations and then the Council would take it into obvious consideration.

Action on the motion was as follows: All Council Members voted in favor of this motion.

(c) Consideration of authorization to proceed with backhoe purchase.

The memorandum explained that four bids were received for the purchase of a backhoe for the Street Maintenance Division. In the 99/00 fiscal year \$60,000 was appropriated for this equipment to be purchased. This bid included one two wheel drive backhoe with a swivel attachment to help with ditch work. The following bids were received:

Greensboro Tractor Company.....	\$53,650
Rudder Ford Tractor.....	\$58,534
Bestracs.....	\$64,287
E F Craven.....	\$56,033

It was recommended that the backhoe be purchased from Greensboro Tractor Company.

February 15, 2000

CITY OF EDEN, N. C.

Minutes of the February 15, 2000 meeting of the City Council, City of Eden, N. C. continued:

Mayor Price stated that they would now proceed in the normal order and the next item would be consideration of authorization to proceed with backhoe purchase.

A motion was made by Council Member Rorrer seconded by Council Member Grogan that they accept the recommendation (Greensboro Tractor Company). Action on the motion was as follows: All Council Members voted in favor of this motion.

(d) Consideration of Resolution Recommending Support of Funding for Land and Water Conservation Program.

A motion was made by Council Member Grogan seconded by Council Member Janney to accept the resolution. All Council Members voted in favor of this motion.

RESOLUTION RECOMMENDING SUPPORT OF FUNDING FOR LAND AND WATER CONSERVATION PROGRAM

WHEREAS, for over 30 years, the Land and Water Conservation Fund was a legacy left behind by the Outdoor Recreation Review Commission of the Federal Government to assist in funding, specifically for the purpose of acquiring and developing natural resources that would provide recreational opportunities and preservation of open space for future generations; and

WHEREAS, Land and Water Conservation Funds were generated from revenues produced from the sale of the country's natural resources, specifically off-shore drilling rights; and

WHEREAS, the need to preserve open spaces and develop and maintain national, state, and local parks and recreational facilities becomes more critical each year due to the demands placed on such facilities by ever increasing populations; and

WHEREAS, during the last sessions of Congress, both the House and the Senate introduced Bills which would reinstate funding for the Land and Water Conservation Fund or similar programs; and

WHEREAS, the City of Eden has identified over 4.5 million of needed improvements for parks and recreation facilities, including renovation to existing facilities, development of new facilities, development of greenways, and protection and acquisition of open space, with funding for these projects limited from local sources; and

WHEREAS, reinstatement for funding for the Land and Water Conservation Fund or similar programs would greatly benefit the City of Eden as it develops and renovates recreational facilities for future generations.

NOW, THEREFORE, BE IT RESOLVED BY THE EDEN CITY COUNCIL THAT:

1. The City of Eden urges members of the House of Representatives and Senate of the United States Congress to support reinstating the funding for the Land and Water Conservation Fund or similar programs which would greatly benefit both state and local governments as they strive to meet the continual needs of recreational services for their citizens.
2. A copy of this resolution shall be sent to the U.S. House Representative of North Carolina Fifth District and to both U.S. Senators who represent North Carolina.

Read, approved and adopted this 15th day of February 2000.

Philip K. Price
Mayor

Kim J. Scott
City Clerk

Approved as to form:

Charles Nooe
City Attorney

February 15, 2000

CITY OF EDEN, N. C.

Minutes of the February 15, 2000 meeting of the City Council, City of Eden, N. C. continued:

(e) Consideration of sewer tap for Bobby Stratton.

The memorandum explained that Mr. Stratton had made a request to the city for the refunding of a sewer tap fee in the amount of \$850.00 for a tap located at a residence on Aiken Road. Mr. Stratton had paid the tap fee and at the time of installation, it was discovered that a tap was already there and the need for a new tap was not necessary. Mr. Stratton's request was based upon his belief that if the tap already exists, it must have been paid for by a previous owner. Mr. Stratton has not produced any documentation that verifies that this tap has been paid in the past. The city has had similar situations in the past where property owners have produced old receipts to verify their request for refunds.

Mayor Price stated that Council Member Rorrer had asked that this item be included on the agenda.

Council Member Rorrer commented that they have been playing with this for a while and from what he could remember and find out, in the old town of Spray, when they put in a sewer line and there was a dwelling there, they put in a tap and you got billed for it. He stated that at vacant lots, in some cases they put in sewer taps so they would not have to go back and cut the street up and you might have got a bill for it. He stated that where there was a dwelling, and in this particular case there was a dwelling probably 75 years old or so, and whether they ever hooked on it or not, he did not know as they did not make you hook on it, and he knew of cases where people never did hook on it and at the last little straw the Health Department got around to them and they started doing a little bit of it, and therefore he wanted to move that they refund this tap.

A motion was made by Council Member Rorrer seconded by Council Member Gover that the sewer tap be refunded.

Mayor Price asked if he was saying that when those taps were put in they were put in every location where there was a house.

Council Member Rorrer replied that it was where an existing house was at, not necessarily, where a lot was, but where an existing dwelling was.

Mayor Price asked, and the people paid for the tap to which Council Member Rorrer replied, yes, as near as he could find out and what he remembered. There was no record that show, as Mr. Thomas said, that Mr. Stratton did not have a record to show that he paid for it because he did not own that house back then. He just brought that old ragged piece of mess and made a pretty place out of it. He added that there should be some kind of initiative there for that to which Council Member Gover agreed.

Council Member Janney commented that in their note from the City Manager he said that he, Council Member Janney, did raise a concern about Galloway Street. The City Manager said he looked into this situation and discovered that a refund was due to Habitat House. Then he goes on to say that the City Council adopted a policy after this situation arose to provide sewer taps and permit fees with the exception of electrical with no charge to Habitat. He asked Mr. Thomas where he got his information.

Mr. Thomas replied that it came from the Planning Department through the Finance Department.

Council Member Janney asked if he went back and looked at the records.

Mr. Thomas replied that personally, he did not.

Council Member Janney pointed out that he had made a mistake and then asked if he could read them something. He explained that he had been working on this thing all day because he knew that he was right. He read, "Rockingham Habitat for Humanity requests construction fees waived or reduced on houses built in the City of Eden by Gloria Best." He stated that this happened October 15, 1996 (minutes). He explained that at that time, they had built three houses and it stated it in there. They had built a house on Galloway Street, a house on Fieldcrest Road and a house on Howe Street. He stated that he believed that if he would go back and check the records; they paid for two taps because there were no taps there. He explained that during that time, he was president of Habitat for the first year and half, Jane Norwood was president and Gloria Best came in and that was when she came and done that. He stated that was number four

February 15, 2000

CITY OF EDEN, N. C.

Minutes of the February 15, 2000 meeting of the City Council, City of Eden, N. C. continued:

and five and that was the two that was on Moir Street. That was when Gloria came down, and he was not on the Board at that time and she requested that they waive the fees. He added that they were not right in when they say that they have been giving fees since the Galloway Street house, as that was not true. He stated that they have only waived the fees for the two houses on Moir Street and two houses on Carolina Avenue and those were the only fees that have been waived since then and they could check it out.

Council Member Rorrer questioned the house on Fieldcrest to which Council Member Janney replied, no, they paid for that one.

Council Member Janney continued in that a motion was made Council Member Price and seconded by Council Member Squires to grant the request to the local organization at that time and everybody sitting on the Board voted to give them a relief on those water and sewer taps. He stated that they could not bring that into being as part of this thing with Mr. Stratton. He stated that Mr. Stratton was still in the same situation as they were on Galloway Street when they dug that up and found there was a tap.

Mayor Price stated that whatever entity and he guessed the town of Spray put the sewer tap in, those people paid for a sewer tap. He asked why they never hooked up to it if they had to pay for it.

Council Member Rorrer replied that it was because they did not want to be hooked up to it. He stated that he could go a little further than that. His father never hooked up to until they made him. He had to pay for the tap and it sat out there and he got the water bill. He explained that he was just from the old school and he did not want that modern convenience.

Council Member Janney stated that his grandmother built the house that his mother currently lived in today, in 1949. He pointed out that there was no sewage there in 1949. His dad, after his grandmother passed away, put a bathroom in that house and they run the sewage down and he hooked on. He stated that he would bet anything, and he had not asked his mother, but he bet she could not produce a receipt where she paid for that.

Council Member Rorrer added that he bet 98% of the people in town could not do it.

Mayor Price explained that the reason he had asked the question, as he was not doubting what they had said, but what he was getting down to was, when they do those things, and everybody wanted to be as fair as they possibly could to everybody, they were in effect establishing a policy from the city, by the city, as to how they were going to handle those things. He asked if they were in effect saying that when people dig down and find a tap, that they were not going to pay for a sewer tap of any shape, form or fashion.

Council Member Janney referred to the Cunningham house to which Mayor Price replied that he did not know, as he was not there (as Mayor).

Council Member Gover commented that his thinking was that if you dig down and find a tap, it had already been paid for...to which Mr. Thomas replied, not necessarily.

Council Member Grogan commented that Mr. Nooe got them out of that mistake (Cunningham) and if they want to jump back in the pot, he thought that was what they were looking to do.

Council Member Rorrer stated that if you have a vacant lot that did not mean that it was paid for. He stated that if a house burned down on it and you got a tap there then he would say it was paid for. Nobody could produce them and they could not produce a record to say they did not.

Mayor Price asked if he understood what he was saying about the cost to which Council Member Rorrer replied that he did and he had no problem with the same situation coming up again and doing the same thing.

February 15, 2000

CITY OF EDEN, N. C.

Minutes of the February 15, 2000 meeting of the City Council, City of Eden, N. C. continued:

Council Member Grogan stated that he wanted to know, was this the precedent thing and \$850, they were kidding themselves, but the consistency of it, if they had ten people come in there next week...to which Council Member Gover replied if they find taps, that was his thinking.

Mr. Thomas asked for clarification, at a dwelling to which Council Member Gover replied, at a dwelling, not a vacant lot.

Mayor Price commented that they have had people to come who have sewer but who have for years run across another person lot and used their tap to which Council Member Janney agreed.

Council Member Rorrer pointed out that he did not think that was what they were talking about.

Mayor Price asked if they understood him, they were going to have to pay for a tap.

Council Member Rorrer replied that he understood and they had them running around all over the place like that and Council Member Janney added that when they find them though, they straighten them out.

Mayor Price asked Council Member Grogan if that clarified what he was saying to which he indicated that it did.

Action on the motion was as follows: All Council Members voted in favor of this motion.

(f) Consideration of traffic study to reduce posted speed limit on Caleb Street.

The memorandum explained that the recommendation was to reduce the posted speed limit from 35 mph to 25 mph.

Council Member Rorrer commented that he had asked that they put it back on because it had been on there anyway and he wanted to thank them for holding it because he was not there.

A motion was made by Council Member Rorrer seconded by Council Member Grogan that the recommendation be approved.

At the request of Council Member Rorrer, Mayor Price explained what the recommendation was. He explained that it was on Caleb Street and the motion was to reduce the speed limit to 35 mph to 25 mph and also as part of that was a letter to the Council regarding "Children at Play" signs. The Department of Transportation had sent out a recommendation dated 1998, that they did not recommend "Children at Play" signs because in effect they have seen where it encouraged children to play in the streets. He stated that there had been a lot of people who have requested those signs and the city has not put them up, so that was the background behind it.

Action on the motion was as follows: All Council Members voted in favor of this motion.

(g) Consideration of Pervie Bolick Street. 8" gravity sewer design verification.

The memorandum explained that the City Engineer performed calculations to verify the design capacity of this gravity sewer line. Based on those calculations, the average daily flow through the line was estimated to be approximately 20,600 gallons per day (gpd) and the peak hourly flow through the line was estimated to be approximately 82,400 gpd. The design capacity of the line was estimated to be 552,200 gpd, which was based on the minimum slope of the sewer line (0.5%) along Pervie Bolick Street. The design capacity for this section of sewer line was based on the eight inch sewer flowing full.

Based on this information there was an excess capacity of approximately 469,800 gpd, therefore the sewer line was designed correctly.

The City Engineer also checked the velocity through this section of the gravity sewer line, since it was recommended that the minimum velocity for a gravity sewer be approximately 2.0 feet per second (fps). The velocity helps provide self-cleaning and removal of any solids that could build up in the sewer line. Based on the peak hourly flow of approximately 82,400 gpd flowing through the eight inch sewer at a slope of 0.5%, the calculated velocity is approximately 1.8 fps. The peak hourly flow velocity should provide the self-cleaning and removal of any solids within this section of sewer line.

If solids were to settle-out and block the sewer line, this would occur above the section of the sewer where the backup problems have occurred.

February 15, 2000

CITY OF EDEN, N. C.

Minutes of the February 15, 2000 meeting of the City Council, City of Eden, N. C. continued:

To verify that this was not a problem, the City Engineer recommended that the entire sanitary sewer line on Pervie Bolick Street be inspected by camera. The inspection should reveal any build up of solids within the sewer line, if there are any to be found.

Mayor Price noted that they had the letter from the City Engineer, Mr. Joe Stanley, through Mr. Benny Sexton, Public Works Director. He noted that his recommendation was to have the entire line inspected by camera.

Council Member Rorrer asked Mr. Stanley if he had had a chance to camera since this had come out, as he knew that he had said he was going to. He explained that his question was if he had anything else to add to this other than what was in the report and had anything else happened since he put the report out to which Mr. Stanley replied no.

Council Member Janney stated that he would like for the Board to get a copy of the findings to where the insurance company agreed to pay the investigation into that.

Mr. Thomas responded that they were anticipating that information and would provide it to Mr. Nooe. He stated that they had found out today that the person who was handling this case had had some rather serious medical conditions that had to be addressed and they should be getting that information in the mail tomorrow.

Mr. Nooe pointed out that when this comes up, the comments seem to be like there was an insurance company paying this and that was not correct. This was being paid out of a governmental pool of which they belong and the city paid that.

Mayor Price asked what the name of it was to which it was determined it was self-insured.

Mr. Thomas replied that it was the Inter Local Risk Financing Fund of North Carolina.

Mayor Price asked Mr. Sexton if he had comments.

Mr. Sexton replied that in answer to Council Member Rorrer's question, they did go down and try to camera this sewer line but it was cold when they put their camera down in and when they pulled it back it was iced over. He stated that since then they were cameraing some storm drains and their camera broke and it was in the shop being repaired. He stated that as soon as that was done they would camera it.

(i) Consideration of a Resolution for Federal Financial Assistance under the Disaster Relief Act (snow removal).

Mayor Price explained that this was a resolution that allowed them to receive some money for their cost incurred by snow removal.

A motion was made by Council Member Janney seconded by Council Member Rorrer that the resolution be approved. All Council Members voted in favor of this motion.

MS. TAMARA GARCIA ADDRESSED COUNCIL REGARDING THE CURRENT ANIMAL CONTROL ORDINANCE:

Mayor Price explained that they would be closing the meeting in order to have a Closed Session with the City Attorney, but before they did that there was a young lady who wished to speak regarding an animal issue.

Ms. Tamara Garcia explained that she was there to address the proposed changes in the city's current animal control ordinance and pointed out the importance of updating the current animal control ordinance for Eden.

She asked them to please look closely at the laws that affect their pets and community. She referred to the tragic death of Tina Pirano, two years ago and stated that in the wake of that the County Commissioners appointed a task force to address changes in the county's animal control

February 15, 2000

CITY OF EDEN, N. C.

Minutes of the February 15, 2000 meeting of the City Council, City of Eden, N. C. continued:

ordinance. She stated that she was asked to serve on that task force and it was then that she became shamefully aware that the ordinances for their county did not provide adequate public safety to the residents.

She asked that as they plan for the construction of a beautiful and useful park to draw people to the area to please consider the liability of inviting people to an area that had public health and safety issues before them. She asked that they consider adopting the current county animal control ordinance which required animal owners be held responsible or liable for their pets. She noted that under the current city ordinance she had found that pet owners were not required to properly manage their animals. She stated that the current city ordinance was very broad like the existing state laws, which did not allow the animal control officers the enforcement capabilities they need to manage the problems that residents were having with animals. She noted that progressive counties and municipalities in North Carolina write and/or adopt ordinances that build and strengthen the existing state laws.

Ms. Garcia also brought to their attention the financial benefits of the county ordinance. She noted that the fines were much higher. She explained that when a citation was written based on state laws, the money from the citation goes to the state, but when a citation was written based specifically on a city ordinance, the money goes to the city. She stated that in closing she could confidently say that the county ordinance gives the animal control officer unquestionable enforcement capabilities.

She stated that as a final thought she wanted to ask that as each animal control issue arose throughout their county, why was Rockingham County the only county in the Piedmont that did not have an animal shelter and closed in thanking them for their time.

Council Member Janney questioned the missing information regarding the change in the animal ordinance.

Mr. Thomas replied that the item was listed on the agenda, however he was still working on the agreement with the veterinarian. He stated that they have had numerous meetings and he would do his best to provide that information (for February 16th). He added that they had been advised by the City Attorney that in order to make those changes to the ordinance they needed to have the agreement in place.

In response to a question by Council Member Janney as to if he did not want the job, Mr. Thomas replied that he did not know that it was so much that, but that through the years he has had some problems with this process and he wanted to make sure that those things were properly addressed.

Council Member Janney stated that the problem he had with dragging it out was that he constantly received calls or would meet someone on the street who would ask when they were going to do something about those cats.

Mr. Thomas replied that he understood, but his hands were tied, as they had to have that agreement in place before they could do the ordinance.

Council Member Janney stated that he had no problem in looking at the county's ordinance but he did want them to deal with the cats.

CLOSED SESSION:

Mayor Price explained that they would be going into Closed Session for discussion, under authority G.S. 143-318.11(a) (3) to consult with the Attorney in order to preserve the Attorney-Client privilege and to consider giving instructions to the Attorney concerning the handling of a claim and a matter of administrative procedure.

A motion was made by Council Member Janney seconded by Council Member Grogan to go into closed session. All Council Members voted in favor of this motion.

February 15, 2000

CITY OF EDEN, N. C.

Minutes of the February 15, 2000 meeting of the City Council, City of Eden, N. C. continued:

OPEN SESSION:

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

CONTINUATION OF MEETING:

A motion was made by Council Member Janney seconded by Council Member Gover that the meeting be continued to Wednesday, February 16th, at 5:00 p.m. All Council Members voted in favor of this motion.

Respectfully submitted,

Kim J. Scott, CMC
City Clerk

ATTEST:

Philip K. Price
Mayor