

CITY OF EDEN, N.C.

The continued regular meeting of the City Council, City of Eden, was held on Monday, March 27, 2000 at 5:00 p.m. in the Council Chambers, 338 W. Stadium Drive. Those present for the meeting were as follows:

Mayor:	Philip K. Price
City Manager:	Radford Thomas
Mayor Pro Tem:	John E. Grogan
Council Members:	Ronald H. Reynolds
	Ronald L. Janney
	Christine H. Myott
	William W. Rorrer
	C. H. Gover
	Garry Tudor
City Clerk:	Kim J. Scott
Administrative Staff	Sheralene Thompson

Representatives from City Departments:

Representatives from News Media:

Reid Baer, The Daily News.

MEETING CONVENED:

Mayor Price called the continued regular meeting of the Eden City Council to order and welcomed those in attendance. He explained that they would be changing the format of their meeting and begin the meeting with a Closed Session. He stated that they would then discuss their regular business and open the floor for anyone to speak directly to the Council.

CLOSED SESSION:

Closed Session for discussion of personnel according to GS 143-318.11 (a)(6) and GS 143-318.11 (a)(3) to consult with attorney in order to preserve attorney client privilege.

A motion was by Council Member by Council Member Tudor seconded by Council Member Gover to go into Closed Session. All Council Members voted in favor of this motion.

OPEN SESSION:

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

Council Member Ron Reynolds left the meeting after Closed Session.

MONTHLY FINANCIAL REPORT:

(a) Financial Reports

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

Mr. Ray Sharp, Finance Director, explained that the total cash for the city was up \$73,783 and the Undesignated Fund Balance was up \$483,000. He stated that they were over their three months reserve by \$668,807.

He noted that the second page contained a breakdown of the Undesignated Fund Balance. The Reserved by State Statute was down \$13,565, the Reserve for Encumbrances was down and the Powell Bill was up. Their total cash in the General Fund was down by \$9,565.

He noted that on page four of twelve was the Undesignated Fund Balance of the Water & Sewer Fund, which was up by \$85,023. The cash in the Water & Sewer Fund was up \$123,060.

He explained that the Revenue and Expenditures were on page five. He noted that February was the 8th month of the year so that meant that they go down those departments and the revenues, and anything above 66 and 2/3 was a little bit above where the revenue and/or expenditures would be if everything was paid in an equal amount. He noted that their revenue for the General

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Fund was 76%, and the main reason for that was that they get a lot of their revenue (property tax) in December and January.

Mr. Sharp stated that on a whole the General Fund was at 60.6% which was below where it would be if things were paid in normal equal amounts through out the months. He stated that the Water and Sewer Fund, that was 46% revenue and 43% expenditures. He explained that was mainly due to lack of revenue from Pluma.

For the Garage, both revenue and expenditures were above the 66(%), but it looked like they were running where they should be and soon they would be slowing down as they get ready for the new budget year.

Mr. Sharp explained that the Debt Service would always be low because their big payment was June 1st. Water Construction was 17% and this was under where they estimated they would be.

For the Capital Expenditure Funds, this was the City Hall project, which was just getting started, so they would see activities in this area for the next couple of months. For the Self Insurance, the expenditures were a little bit higher this month, but he thought they were catching up on a month or two in the past and he hoped that would level out. He stated that overall, on all the funds, they have taken in 54% of their revenues and paid out 48.6% of all of their expenditures.

As there were no questions on the Revenue and Expenditures Statement, Mr. Sharp continued with the Cash Flow Statement.

He explained that they started the month \$324,000 less than they were last year at this time and they ended up the month with \$373,800 less than they had last year. He noted that if they would look back at what they have done so far this year, they have gone from \$1,146,000 less than they were to only \$473,000 less and they were slowly, but surely building it up to where they were in the prior year.

He noted that on page 11 of 12, their total cash was \$11,414,612 of which \$10,297,270 was in Temporary Investments and \$1,117,342 in Interest Bearing Checking Accounts.

He stated that on the last page was a summary of the Temporary Investment and it gives a break down of where the money was, where it was invested and the interest rate.

Council Member Janney noted that in February, a year and then go back two years, they were not where they were the previous two years on Temporary Investment to which Mr. Sharp agreed that they were a little bit below where they were.

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

PUBLIC HEARING CONTINUED:

- (f) Consideration of a zoning text amendment request to amend the City of Eden Zoning Ordinance for Wireless Communication Towers. Request submitted by the Planning Board. ZONING CASE Z-99-17.

Mayor Price explained that this item was continued from March 21st. He called for the continued public hearing, to hear comments. He then asked Mr. Thomas for a report.

Mr. Thomas, City Manager, asked that the Council recall that at the meeting of March 21st, there were some questions about certain sections of the ordinance as it was proposed to them. He explained that there were some questions about the standards for special use permits for wireless communications facilities. He stated that they were in the original document, but it really was not as clear as they felt it needed to be. He stated that Mrs. Stultz had gotten with the City Attorney and they have made some changes to what was proposed, to make it a little more understandable as to what those things were. He explained that instead of referring to them as factors it was now referring to them as standards. He noted that there were now ten (10) standards instead of seven (7) and what Mr. Nooe had recommended in making that change was that if on page 16, it says "factors" and there were seven (7) things listed. He stated that also

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added to that list would be items 8, which would be completeness of the application, 9, which was that the site and tower design meet the requirements of the applicable federal and state laws rules and regulations governing the location, construction and maintenance of the tower, and 10, that the site and tower design meet the requirements of the North Carolina Building Code and the specific site and design requirements of this ordinance. He stated that those changes have been clarified and was really in two places within this ordinance as it was. He stated that in talking with the City Attorney, that met the concerns that he had in trying to get that clarified and spelled out.

Council Member Tudor asked where it said anything about fees.

Mayor Price replied that it was toward the front on page six.

Council Member Tudor asked if he had understood correctly that if a tower was put on city property, you did not pay the fee, but if it was put on private property you pay the fee.

Mayor Price replied that everybody paid the fee with the exception of, "an application fee of \$1500 shall accompany each application..."

Mr. Thomas replied that was correct, the fee would increase somewhat over what it was now to \$1500 and that gets them consistent with what the other county jurisdictions were charging.

Mayor Price asked if there was a discount for something that the city did to encourage it being on the city property as he thought that was Council Member Tudor's question.

Mr. Thomas commented that he did not remember seeing that in there. He stated that the ordinance encouraged co-location, using already existing towers and someone just attaching other antenna to it.

Council Member Tudor stated that he tried to read it and could never see it in there as he was asked by a member of the Planning Board.

Council Member Rorrer noted that there was a big article in the paper about it. He stated that he did not know exactly where it was at but he knew it was in there as he had read it.

Mr. Thomas apologized, as he could not put his finger on where it was. He explained that it said was that the applicants for those types of communications towers shall agree to lease space at commercially reasonable rates and shall also make towers available to the City of Eden and Rockingham County emergency service agencies at no charge to the city.

Mayor Price stated that he thought that what he was asking was that if somebody wanted to use a city owned tower there was a discount to them.

Council Member Tudor explained that the way the person approached him was that they said "if you want to put up a tower on your property, you pay \$1500 but if you want to put it on city property you don't pay".

Council Member Gover suggested they look at page three, Section 11-32, and look at #2 on Public Property.

Mr. Thomas read "antennas or towers located on property owned, leased or otherwise controlled by the city shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been approved by the Eden City Council..."

Mayor Price replied that did not give a discount for an application.

Council Member Janney asked what that was going to do if the city owned the property next door to him and they were exempt from the ordinance.

Council Member Rorrer replied that the city could control it if they own the property, they could put their own stipulations on it if they owned the property to which Mr. Nooe agreed.

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Mr. Thomas added that they could go as far as making the antenna look like a flag pole and they could go as far as putting those types of requirements on them and that had been done in other communities.

Council Member Janney noted that they could also make it look like a mess too if he did not have to follow the ordinance.

Mayor Price asked the City Attorney why the city would want this. He asked if there was any reason why the city would want not to be bound by this ordinance other than the existing facilities on towers already up.

Mr. Nooe replied that he would think that there very well could be any number of reasons why you would not have to comply with this ordinance because this was really addressing those cell tower type wireless communication towers and the city was not erecting those type towers around to cover any particular areas. He explained that the city's purposes for putting up antennas was entirely different from what this was dealing with. He stated that the city might need to put up an antenna for better police or fire communications, and wherever it needed to go was where the city would put it. He explained that in other words, the city was in control of what it puts on its property, this was to control the public's property.

Mayor Price asked if there were any questions about this ordinance.

Council Member Rorrer asked if the City Attorney was satisfied with it to which Mr. Nooe replied that he was.

Mayor Price asked if anyone would like to come forward to speak in favor or against this proposed ordinance on cell towers. As no one came to speak, he declared the public hearing closed.

A motion was made by Council Member Rorrer seconded by Council Member Grogan to approve the cell tower ordinance. All Council Members present voted in favor of this motion.

Mr. Nooe pointed out that there were three other ordinances that go with it. He stated that they were under the zoning ordinance amendments, as far as the identification was concerned. He stated that Mr. Thomas could call off the section numbers.

Mayor Price asked the City Manager to call out those section numbers.

Mr. Thomas explained that the second ordinance would amend Section 11.29 of the zoning ordinance and it adds the following definitions for Alternative Tower Structure, Antenna Array, Communications Tower, Communication Tower, Stealth, FAA, FCC, FTA, Fall Zone, Preexisting Towers and Antennas, Height and Wireless Communication Facility. He explained that this amendment provided definition to the zoning ordinance for those things that he had read.

He continued that also Sections 11.24(a), (a-1), (b), (b-1), (c), (c-1), (c-2), (d), (e), (f), (g), (h), (i), (j), (k), (l), (l-a), and (m) of the zoning ordinance of the City of Eden were hereby amended to add Wireless Communications Facilities as permitted uses.

He continued that Section 11.24(1) of the zoning ordinance of the City of Eden was hereby amended by deleting the words Radio and Television Broadcasting Towers.

Lastly, he noted that on Section 11.32, Wireless Communication Facilities, where it sets forth the standards for things such as District Height Limitations, Public Property, Amateur Radios, Preexisting Towers and Antennas, the General Guidelines for Principal or Accessory Use, Inventory of Existing Sites, Aesthetics; Lighting, and so forth.

Mr. Thomas explained that would be the initial ordinance that they adopted (Section 11.26(c)(3)(c)(9)) and then four additional ordinances amending 11.24, 11.29, and 11.32.

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

REQUEST AND PETITIONS OF CITIZENS:

No one came forward to speak.

UNFINISHED BUSINESS:

- (a) Consideration of Single-Family Rehabilitation Approval/Maria A. Nickerson; 118 The Boulevard.

The memorandum explained that as a part of the city's Single Family Rehabilitation program, the repairs to the Nickerson House located at 118 The Boulevard were re-bid. There were several repairs that were removed from the bid sheet this time, including raising the existing kitchen cabinets. The repairs that were removed would have taken \$4,965.00 from the original bid.

The low bidder, David Johnson, is a local contractor that resides on Hundley Drive in Eden. Mr. Johnson's bid was \$20,775. He has indicated that he has an interest in these types of rehabilitations and that he submitted an unusually low bid to get started. (The other bids were \$26,950; \$24,160; \$23,605; \$26,460; and \$24,325.

The SFR program that is currently being administered is a loan to the qualified homeowner. The City Council is approving the applicant's request for the loan. In the event of the death of the homeowner or the sale of the property, the money will be paid back to the state.

Based upon this information, staff recommends that the contract be awarded to Mr. David Johnson with the condition that sufficient liability insurance can be provided.

Mr. Thomas explained that Mrs. Stultz had provided some additional information to the Council that addressed some standard operating procedures for the Single Family Rehabilitation Program. He stated that one of those proposed changes would put the Code Inspectors in direct contact with the process after the applicants were identified. He explained that the Code Inspectors would accompany the consulting staff (Benchmark) on their inspections, confer about repairs to be made and participate in price estimates. Once the bids were received, they would be at the bid opening and review the bids and make an assessment in writing as to the cost effectiveness of the repairs on the bids. When a particular request was ready they would come to the City Council for contract approval and the staff members would be available to answer any questions and so forth regarding the recommendations.

He stated that she also asked and requested that the Council remove items 7(a), 7(b) and 7(c) from the agenda to bring the standard operating procedures and the applications received with revisions to the Council for their consideration at the earliest possible City Council Meeting.

A motion was made by Council Member Myott seconded by Council Member Grogan to remove items 7(a), 7(b) and 7 (c) from the agenda.

Council Member Janney pointed out that last week he had asked the Board to remove two of those items and they voted not to remove them. He stated that he did not want (a) removed and he hoped they understood. He explained that they have already re-bid this job and they have the lady's house all to pieces. They sent it back for re-bids and when they sent it back, the bid came in. He stated that he was not saying he agreed with the bid totally, but they need to go through that contract and go through and look at it before they do anything, other than this house.

He stated that he agreed that although he did not want to, he would agree to take those two off (b and c), but he wanted to read something to them. He explained that Mr. Johnson called him last Saturday and he did not get back to him until right before the meeting. He noted that it stated in Mrs. Stultz's letter that "this time the low bidder was David Johnson. Mr. Johnson is a local contractor that resides on Hundley Drive in Eden. His bid was for \$20,775.00."

Council Member Janney stated that they had to understand that some of this work was already done. He pointed out that Mr. Johnson "has indicated that he has an interest in this type of rehabilitation and that he submitted an unusually low bid to get started."

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He stated that was on the letter from Mrs. Stultz. He then continued on with one from Michael Walser (of Benchmark). He read that "it is my recommendation that Council award the contract to David Johnson as the bid price of \$20,775, provided sufficient insurance coverage for liability can be provided." He added that, "however, Mr. Johnson indicates that he desires to get into the market of rehabilitation and gave an unusually low bid to get started".

He stated that Mr. Johnson told him that he called Michael Walser today and talked to him. He stated that Michael did a lot of dancing and never would answer him and he indicated that "well maybe you didn't say that and I assumed that". He stated that there they had some information that tends to make you believe, "yeah, maybe I should have bid higher but I bid lower to get this job" and Mr. Johnson emphatically denied that. He stated that Mr. Johnson said he bid for the job just like he thought the job ought to be.

Council Member Janney pointed out that he had stated the other day that he wondered why he (Johnson) did not get a chance to bid those other two jobs. Mr. Walser said he just failed to send him the information, but he noted that the man out of Winston-Salem did get the information.

He stated that he wanted item (a) to stay on there but they were paying Benchmark to do a job that they were not doing. He stated that he had read what Mrs. Stultz had sent and had also had a long conversation with her but they were fixing to load their Inspection Department up. He stated that he did not know how many more houses they had and he did not really worry about it as they had about \$300,000, but if they did it right, they were going to do a lot of work and they were going to insist that their inspectors be out there every minute of every day when they were paying Benchmark to do the job. He pointed out that they needed to understand how Benchmark got paid. They get paid based on those contracts.

He stated that there was something wrong with this system and it needed to be cleaned up. He stated that he knew that they (Council) voted for a contract, but after this house (item a), they need to set back and look at it and make sure that Benchmark was going to give them the right price to start with so they did not have to sit there and argue over prices. He stated that one thing they had to do was to decide whether they want to continue to look at them or not, but if they did, they better do something about it. He closed in saying that he would like to see the first item stay on there.

Council Member Gover agreed with Council Member Janney in that they owed those people, since they started on the home to finish it and the Council did ask for a re-bid. He added that what Mrs. Stultz had sent to them was a positive step. He stated that they really needed to clean this program up to benefit Eden. He stated that he would also like to see item (a) taken care of, even though the prices were still high and they need to look after their people rather than punishing them with the high prices that they were setting forth. He stated that the program could probably be fitted to their needs, but he did not think at this time it was.

Mayor Price agreed that Council Member Janney had raised some interesting questions and made some valid points. He added that although he had different thoughts, they did need to pursue this lady's house.

Council Member Myott commented that they were all not that far apart and with Mr. Johnson's \$20,000, if they subtract \$4900 from that, that had already been done, so his bid would be almost \$25,000 and if they looked at the other bids, they were close to it. She asked if they still thought that was high.

Council Member Gover replied that the bid was still high. He added for them not to get him wrong, but they owed those people in that home to fix their home up since somehow they got started on it without the city okaying it (item a).

Council Member Janney added that they understand how the bids were. There was a limit of \$30,000 and anything over that they would not pay. He asked that they look at the bids as everyone of them was up there at \$27,000 or \$28,000 or either they would go...to which Council Member Myott disagreed that they were not...

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Council Member Janney replied that he knew, but they would go over and lower their bid to get the job. He explained that they would bid it and then lower it down.

Council Member Grogan asked if the bids were advertised in the local news media to which Mayor Price referred the question to Mr. Jimmy Bolden, Chief Codes Inspector.

Mr. Bolden replied that he did not think they were as they were sent out individually...and Council Member Janney commented that they sent the man in Winston-Salem a bid after two or three more people got on the list.

Mr. Bolden added that they might have been recently...to which Mr. Thomas stated that they had been advertising them in the paper.

Council Member Myott commented that Mrs. Stultz stated at the meeting the other night that they have.

Council Member Gover noted that one of the bidders reduced his down from \$32,000 to \$28,000 and something to which Council Member Myott disagreed and stated that there was no \$28,000 on there.

Council Member Janney explained that his point was, they were paying Benchmark to do a job and they were not doing it. He added that they have not heard all they were going to hear out of Moir Street either, so he wanted it to come back. He stated that he had heard some things that he wanted to confirm himself. He stated that if he had a house up there that needed a roof on it or a porch fixed, or it needed something done, and they could do it with this program and do it for say \$10,000, he asked then why go spend \$28,000 to \$29,000 on it when they would have \$18,000 more to spend on somebody else's house. He asked why they would go to the extreme just because they could. He challenged them all to go look at the house on Moir Street.

Mayor Price commented that he had some thoughts on the issue and he thought it needed to be discussed and outlined, but he agreed with Council Member Janney in that they needed to do something with this lady (item a).

Council Member Grogan questioned what they were going to do with it to which Council Member Myott replied that she would amend her motion to proceed with item (a).

Council Member Myott's motion was amended to proceed with item (a) and withdraw (b) and (c). Council Member Grogan agreed to second the amended motion. All Council Members present voted in favor of this motion.

(b) Consideration of Single-Family Rehabilitation Approval/Hugh Dillard; 228 Peter Hill Road.

The memorandum explained that Mr. Hugh Dillard has applied to have his home repaired through the city's Single Family Rehabilitation program. Mr. Dillard lives at 228 Peter Hill Road. The SFR program as it is being administered in this instance is a loan program. The City Council is being asked to authorize the granting of a loan to Mr. Dillard. All of the funds will be repaid.

The low bidder for this project was Ro-Del Enterprises (Mr. Roy C. Edwards) a local contractor, the bid was \$28,900.

Withdrawn (see 7(a)).

(c) Consideration of Single-Family Rehabilitation Approval/Lawrence J. Manley & wife Carol; 301 Greenwood Street.

The memorandum explained that Mr. & Mrs. Lawrence Manley have applied to have their home repaired through the city's Single-Family Rehabilitation program. Mr. & Mrs. Manley live at 301 Greenwood Street. The SFR program as it is being administered in this instance is a loan program. The City Council is being asked to authorize the granting of a loan to the Manley's. All of the funds will be repaid.

The low bidder for this project was to C&S Quality Home located on Reynolda Drive in Winston Salem. Their bid was \$28,190.

Withdrawn (see 7(a)).

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(d) Consideration of traffic study for The Boulevard and Carroll for Yield sign.

The recommendation of Sergeant Griffin was to leave the traffic control for Carroll Street as it is.

A motion was made by Council Member Grogan seconded by Council Member Rorrer to accept the recommendation of Sergeant Griffin.

Council Member Tudor commented that he had a petition signed by 281 citizens and they were people that live in the neighborhood and also attend the church there right at the stop sign. He read the petition, "we the undersigned do hereby petition the Eden City Council not to change the stop sign located at the intersection of The Boulevard and Carroll Street to a yield sign. We feel that to make such a change would create a more dangerous and potentially dangerous intersection." He stated that he had spoken with the minister yesterday and he said that his congregation did not want the stop sign changed.

Council Member Janney commented that he brought this up and after the last meeting, he went and talked with the minister. He stated that he had told him that in the very near future, they were going to change the route of their parking. He stated that it would eliminate any of the traffic that they have on Boulevard Street in front of that church and eventually bring it out on Carroll Street.

Mayor Price asked the City Clerk to record that the petition was received, 15 sheets of names.

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

(e) Consideration of a request to release closed session minutes relating to Grant Street.

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

(f) Consideration of animal control ordinance – amendment.

The memorandum explained that two versions of an amendment to the Animal Control Ordinance was provided for the Council's review and consideration. Version (A) contains a part (c) that states, "Any cat found off of its owner's premises unless the owner is present and the cat is under the control of its owner." This language is not found in Version (B). Other than this difference, the proposed ordinances are the same.

Mayor Price explained that the Council was being asked to approve Version (A) or Version (C). He asked if that was clear to everyone.

Council Member Myott commented that she did not agree with it because cats were not that easy to control and they were going to wander off the premises.

Council Member Rorrer asked if there was any way they could make the owner pay for the paint job or anything like that to which Council Member Myott suggested that they could take them to court. She referred to what it said, "any cat found off of its owner's premises unless the owner is present and the cat is under the control of its owner".

Mr. Nooe explained that was exactly the one that applied to dogs to which Council Member Myott agreed and Mr. Nooe added that they did not have a leash...to which Council Myott replied there was a difference in dogs and cats.

A motion was made by Council Member Janney seconded by Council Member Gover to approve the Animal Control Ordinance – Version (A). Council Members Janney, Gover, Grogan, Rorrer, and Janney voted in favor of this motion. Council Member Myott voted in opposition. This motion carried.

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NEW BUSINESS

- (a) Consideration of Concession Lease Agreements: Spray & Draper Volunteer Fire Departments.

The memorandum provided to Council explained that for many years the City of Eden has leased the concessions rights for the above ball parks to the local Volunteer Fire Departments. Both organizations have met and exceeded the requirements listed in the contracts with the City of Eden.

It was recommended that those concession rights be extended to the Spray and Draper Volunteer Fire Departments for the upcoming youth and adult activities in the year 2000.

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

- (b) Consideration of Installation: Gas Pack System – Boone Road Community Building.

The memorandum provided to Council explained that the Parks and Recreation Department budgeted \$5,000 to install a gas pack heating/air conditioning system at the Boone Road Community Building in 2000.

A motion was made by Council Member Rorrer seconded by Council Member Gover to install the 10-ton unit. All Council Members present voted in favor of this motion.

- (c) Consideration of purchase: John Deere 4600 Tractor.

The memorandum provided to Council explained that in the 1999-2000 budget, the Parks and Recreation Department was granted \$20,000 to purchase a tractor. Two state contract vendors, Reidsville Lawn & Leisure and Greensboro Tractor Company, were contacted. It was recommended that the John Deere 4600 be purchased from Reidsville Lawn & Leisure at a cost of \$19,360.30. This price also includes a John Deere 460 loader with 73" bucket.

Mr. Thomas explained that this was a budgeted item and with the price being below \$20,000, which he thought the limit was actually \$30,000, they were not required to go out for formal bidding but did receive bids from other vendors.

A motion was made by Council Member Rorrer seconded by Council Member Gover to approve this request and award the contract to Reidsville Lawn & Leisure. All Council Members present voted in favor of this motion.

- (d) Consideration of 2000 Lawn Care Proposals Recommendation.

The memorandum provided to Council explained that there were two proposals submitted in response to the second advertisement for Lawn Care Service Proposals. One proposal was received on February 1, 2000. The project was advertised a second time and two proposals were received and opened on February 15, 2000. Both proposals met all requirements of the prepared specifications and were as follows:

Evergreen Lawns & Landscaping	\$14,630.00
Jefferson Landscaping	\$13,972.00

It was recommended that the agreement be awarded to Jefferson Landscaping for the 2000 mowing season.

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

- (e) Street Closing Request from Bobby Stratton and others for Alley off The Boulevard.

The memorandum provided to Council explained that Mr. Bobby Stratton has submitted a petition to close an alley off The Boulevard through property owned by Mr. Stratton and his wife, Barbara, Thomas Joseph Long, and his wife Naomi, Becky Shomali and her husband Raof, and the City of Eden.

Mr. Thomas explained that what they have to do, because of the request and with the city having an interest in property that adjoins this area we need to have the Council vote to prove their participation in the Street Closing.

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A motion was made by Council Member Rorrer seconded by Council Member Janney that the city join the petition. All Council Members present voted in favor of this motion.

A motion was made by Council Member Rorrer seconded by Council Member Gover to establish a Resolution of Intent to close the alley (with the stipulation that the fee was paid) and call for a public hearing. All Council Members present voted in favor of this motion.

(f) Consideration of Contracting with Consultant for the Rivercrest Drive Project.

This item was discussed at the March 21, 2000 meeting.

(g) Consideration of Overall Rehabilitation Program for the Rhode Island Mill and Surrounding areas.

The memorandum provided to Council explained that Preservation/NC and Affordable Housing Advisors, Inc., have joined together and purchased the Rhode Island Mill on Riverside Drive. The Mill is planned for redevelopment as a part of an overall project to revitalize the neighborhood. The NC Housing Finance Agency has given verbal approval to funding a homeowner rehabilitation project that will target the neighborhood surrounding the Rhode Island Mill. With the Council's permission, an application would be made for funding the single family housing program in July of 2000. The Housing Finance Agency is interested in the project as a whole including the mill and the surrounding mill village, much like the project that Preservation/NC did in Edenton. The improvement to the neighborhood, that certainly includes the re-use of the Woolen Mill by AC Furniture, will promote the quality of life in the area.

A motion was made by Council Member Grogan seconded by Council Member Myott to approve this request and to call for a public hearing. All Council Members present voted in favor of this motion.

(h) Consideration of traffic study of New Street and Stadium Drive intersection to develop two lanes for exiting traffic from the south side of the intersection.

Sergeant Griffin's recommendation was to notify the NCDOT that the city would like for the exit lanes from the south side of the intersection be modified, to include a left turn lane, and straight/right turn lane for north bound traffic.

A motion was made by Council Member Gover seconded by Council Member Myott that the recommendation be approved. All Council Members present voted in favor of this motion.

(i) Consideration of traffic study of Fagg Drive for consideration of establishing a No Parking Zone.

Sergeant Griffin's recommendation was to establish a No Parking Zone along the east and west curb lines of Fagg Drive a distance of two hundred seventy-five feet (275') from Kings Highway.

Council Member Janney commented that he wondered how they were going to handle a No Parking Zone over there at Biscuitville when cars were lined up going through the window.

Mr. Thomas replied that he did not mean to speak for Officer Griffin, but he thought that in his observation, part of the contributing factor was the traffic on the street, as far as people trying to move in and around and he felt as though the No Parking Zone would help alleviate some of the visibility in that type of problem.

Council Member Janney stated that in the situation he had observed, you come down Fagg and you have Kings Highway up there and Fagg Drive. He stated that the window (Biscuitville) was in the back. He stated that people would come down there and get over to the side and if they stay in the lane they will block all the traffic there. He stated that now, they were getting over on the side and going through that way. He stated that he did not have an answer, he just had a question. He stated that he saw it all the time as the window would not take all the traffic they have for pickups. He noted that the situation was different with Hardees because their customers go through the parking lot. Council Member Janney stated that the problem was when they had all those people going to work and getting in line there.

Council Member Myott added that they were also staying over there and crossing over blocking both ways.

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Council Member Janney stated that he had never seen that but they may do it. He asked that if they did a No Parking were they going to ticket everybody for waiting to go through that line.

Mayor Price pointed out that the City Manager suggested that they videotape it and Council Member Gover asked that they let him study it more.

Council Member Janney, in response to Mayor Price's question to videotape the area replied that was fine but he did not want to have a real problem there with those...to which Council Member Rorrer suggested that if they block the road they could give them a ticket a time or two and that would stop some of it.

Council Member Janney agreed and added that they would go somewhere else and Biscuitville would lose (customers). He agreed that they make a film.

(j) Consideration of traffic study of Morgan Road between Park Avenue and Pitcher Avenue for consideration of reducing the posted speed limit.

Sergeant Griffin's recommendation was to consider re-installing the stop light control at the intersection of Park Avenue and Morgan Road to generate the break in traffic. In addition, suggest to Chilton's Body Shop to consider closing that entrance nearest their building, located along the north curb line eighty-eight (88') feet from the northwest corner of the intersection.

Council Member Rorrer pointed out that this was a DOT street.

Mayor Price asked if they should ask that the NCDOT investigate.

Council Member Rorrer replied that was up to the majority of the Council but he did not see the point in it. He stated that he knew they had an accident there but he asked, were they going to put up a stoplight or something at every place that they have an accident. He added that there was really a concern there back when they operated a store there and it was a rare case anything ever happened. He did agree there was a little problem there.

A motion was made by Council Member Gover seconded by Council Member Tudor to ask the NCDOT to take a look at this area. Council Members Gover, Tudor, Grogan, Janney, and Myott voted in favor of this motion. Council Member Rorrer voted in opposition. This motion carried.

(k) Consideration of Aging Sanitary Sewer Interceptor Lines with Excessive Storm Water Infiltration/Inflow Problems.

The memorandum provided to Council explained that the city is experiencing problems with excessive storm water infiltration/inflow (I/I) into several badly aging sanitary sewer interceptor or outfall lines.

Mr. Thomas referred questions to the City Engineer, Mr. Joe Stanley.

Council Member Grogan noted that if the Council agreed on it, the Engineering Department would proceed to investigate possible options for replacement and prepare preliminary construction costs.

Council Member Tudor asked if one of those was on the golf course at Meadow Greens.

Mr. Stanley replied that it was and essentially he had worked up some rough numbers on Meadow Greens since the memos came out to the Board. He asked if they would want to hear them.

Council Member Grogan suggested that they do them all at one time and then maybe set some priorities.

Mr. Stanley explained that they were in prioritized order now and they could discuss it with the Public Works Director and the Treatment Plants Director. He explained it was just a rough estimate, based on paper maps and they were looking at about 3200' of 8" sewer line and about 9

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manholes, around \$115,000 to \$120,000. He added that was third party cost, with the contractor doing the work.

Council Member Janney asked if that was all of it.

Mr. Stanley replied no, that would be from about 2 manholes south of Stadium Drive down to probably 2 manholes above the pump station.

Council Member Gover referred to the Merriman Street interceptor and asked if that had anything to do with Hopkins Court as they have left Hopkins Court along the wayside.

Council Member Stanley replied it was not directly related. There was capacity at the pump station for Hopkins Court as far as he understood, but at the last point of where he left it, they had a preliminary design and presented a cost to Council and actually that memorandum got pulled. He stated that it was left at where they were asking direction from the Council and how they were going to pay for it before they proceeded on with the final design. He added that they have a preliminary design laid out.

Council Member Gover questioned that they were moving on to those. He stated that he thought Hopkins Court was six years in the making or something.

Mr. Thomas commented that they could move ahead with the final design on Hopkins Court and submit it for approvals and it was also going to have to be approved by the appropriate agencies. He stated that they could go ahead and get to work on that, but they still needed to do those as well.

Mayor Price commented that he thought it had gone through the system.

Mr. Thomas replied that it had not been presented to the State or whoever needed to receive it for approval. They did a preliminary design to get some cost and to find a route, the Council just did not make the decision on whether they were going to pursue an assessment process or whether they would pursue the city just paying for cost of that construction. He stated he did not know if there was ever a final decision made.

Mayor Price asked if the design was ready for Hopkins Court.

Mr. Stanley replied that they have a preliminary ready but they have been concentrating on the 2" waterlines to complete those to get in, but they could submit that within the month to be approved and the Council could determine how to approach the cost of that.

Mr. Thomas stated that with their paving contracts coming up they were having to take care of some of the 2" waterline replacement because it was the streets that were scheduled to be re-paved and they wanted to make sure that that got done so they did not dig up a newly re-surfaced street.

Council Member Janney agreed but he added that Hopkins Court was way over due. He stated that he did not know how they got by with it this long.

Mayor Price explained to the Council that they would be asking for a motion to approve the action to investigate the options on replacing the Meadow Greens interceptors and to prioritize Merriman Street, Matrimony Creek and Dry Creek interceptors on a list of future repairs and replacement. He added that he would like to see Hopkins Court Sewer added onto that.

A motion was made by Council Member Gover seconded by Council Member Grogan to approve the action to investigate the options on replacing the Meadow Greens interceptors and to prioritize Merriman Street, Matrimony Creek and Dry Creek interceptors on a list of future repairs and replacement and to add Hopkins Court sewer onto that.

Council Member Janney asked if they were going to bring Hopkins Court to Council at the next meeting to which Mr. Stanley replied in the affirmative.

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

(1) Consideration of Air Trailer & Upgrade of Air Packs (Fire Department).

The memorandum provided to Council explained that the Fire Department has indicated the need to replace the air refill station (1983 5000 psi air compressor mounted on a trailer located at Station 400). This compressor is used to refill the breathing air that is in the air packs that firemen use in the smoke, toxic gases, and other hazardous conditions.

Mr. Thomas explained that in talking further with the Fire Chief about this item, he would like to have it removed from the agenda to do a little more work on it. He stated that in looking at it closer, what they were going to need to do, because of some of the pricing that was involved and looking at the dates of some of the quotes that have been received and the amount that was involved, they would need to go out for formal bids. He stated that he would like to ask that this be taken off at this point and request that the Council authorize them to advertise for formal bids for the air trailer, not the air pack system.

Council Member Rorrer commented that while they were doing that he would like them to take a look at the whole thing as to if they would need to do it right now.

Council Member Tudor suggested that they hear from the Fire Chief.

Mr. Thomas commented that he certainly thought the necessity was there to replace the air trailer.

Council Member Grogan stated that if they were going to do that then the Fire Chief could tell them about that then could he not.

Mr. Thomas replied that if the Council would agree to let them advertise for bids then they could bring it back to the meeting in April.

Council Member Gover pointed out that there was a certain urgency there as they did have this compressor that was making air, replenishing air packs for all of their emergency people, so they did not want to drag their feet here on this.

Council Member Rorrer commented that he was not convinced that they need to replace it right now and that was where he was coming from.

Council Member Grogan replied that it was not going to cost anything to get a price on it.

Mayor Price asked Chief Ronnie Overby for his comments.

Chief Overby agreed with Council Member Gover in that they were supplying the air for everybody to breathe; rescue squad, ambulance service, wastewater treatment plants, and this was where they fill everybody's breathing packs. He added that they even fill up some of the local industries air packs. He explained that it was blowing oil everywhere right now and they could not buy the same system. He stated that Safe Air was the only ones who work on it and the contract was due with them. He added that all they do is change the filter and they have told him they could not find the parts for it.

Council Member Rorrer asked if it was blowing the oil in the air to which Chief Overby replied, yes. Council Member Rorrer asked that if in other words he was letting them breathe the oil.

Chief Overby replied no it was going out into the air coming from the compressor. He explained that he was afraid it was going to start getting on the inside. He stated that as he had said in his letter it was a 1983 model and, for example, the Rescue Squad, they fill up their three bottles for them and they have to bring the truck down there and leave it for about 4 ½ hours.

Council Member Rorrer asked how long it would take to fill it up with a new one.

Chief Overby replied they could do it in about an hour and ten minutes.

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Council Member Tudor asked about the need to upgrade the air packs.

Chief Overby replied that there was nothing wrong with the air packs other than OSHA had moved on to a higher standard. He stated that they were using the air packs. He stated that he had to buy pass devices to go on them and they clip on the belts. In the past 4-½ fires they have lost pass devices. He stated that they either get burned up or lost in an industry somewhere.

Council Member Tudor stated that a fireman called him and said that if you got new air packs they would still only supply 30 minutes of air. He asked if that was a standard or was there an air pack that supplied more than that.

Chief Overby replied that this was an air pack that supplied 48 minutes.

Council Member Gover added that the City of Eden trains with those air packs and they train their rural people also. He stated that there was a safety factor again. He suggested that they could pass those air packs on down to the rural people because OSHA was not as strict on the rural people as they were to the city and it would automatically upgrade theirs.

Mr. Nooe interjected that he did not believe they should pass on an air pack that does not meet the current standards.

Chief Overby apologized to the Council. He stated that they got the quotes on the air trailer just until recently and he had talked to Mr. Sharp and the City Manager. He stated that once it goes over \$30,000 they have to have a formal bid and that was the reason he agreed with the City Manager to pull the quotes back and do a formal bid.

Mayor Price asked Chief Overby if he could show the Council this trailer and the apparatus and how they fill them up.

Chief Overby replied that he could and it was at fire station number 4 and the fireman on duty could show them everything about it or they could set up a time when they all could come. He added that it was working right now, but the oil was starting to spray and the safe air man came last week to do the six month check up and the production keeps going down.

Mayor Price commented that everybody on the Board wanted to do its best for the volunteers and full time employees and all the people who just give their all to the safety of others so he asked that they get everything together so they could proceed at the next meeting.

Council Member Rorrer requested that Chief Overby check the air trailer and see if the air was up where it was supposed to be. He stated that he had a reason for making this request.

Chief Overby agreed to do so and added that he had recently started doing that.

(m) Consideration of Amending Code pertaining to tractors parked in the right of way.

The memorandum provided to Council explained that recently Councilman Gover had expressed concerns resulting from citizen complaints about tractors and trailers or just the tractor being parked on the street in residential areas. The particular city code sections pertaining to this issue do not seem to address the issue adequately. The code sections are Chapter 9 Sections 103 (b) and 191.

This item was pulled

(n) Consideration of Resolution: In Support of the "Year of the Rivers" Highway Sign Program in the Roanoke River Basin.

RESOLUTION IN SUPPORT OF THE "YEAR OF THE RIVERS" HIGHWAY SIGN PROGRAM IN THE
ROANOKE RIVER BASIN

WHEREAS, the Roanoke River basin is a vital resource to the State of North Carolina and to the communities that exist along the river basin;

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WHEREAS, there is growing public interest in the health of North Carolina's waterways, including the Roanoke River and its basin;

WHEREAS, in recognition of this growing public interest, the North Carolina Department of Environment and Natural Resources (DENR) is promoting the year 2000 as the "Year of the Rivers" in North Carolina;

WHEREAS, in order to increase public awareness of North Carolina's river basins and as part of the "Year of the Rivers" initiative, DENR and the North Carolina Department of Transportation (DOT) have implemented a program of installing highway signs identifying North Carolina's river basins;

WHEREAS, pursuant to this highway sign program, DOT has installed numerous highway signs in the Cape Fear and Neuse River basins;

WHEREAS, this highway sign program has not been implemented in the Roanoke River basin, and DOT has indicated that there are no current plans to do so;

WHEREAS, highway signs identifying the Roanoke River basin would increase public awareness of the river basin and its valuable resources and is a necessary component of the "Year of the Rivers" initiative in North Carolina.

NOW, THEREFORE, BE IT RESOLVED that the City of Eden supports the "Year of the Rivers" highway sign program and urges DOT, working with DENR in furtherance of this program, to install highway signs in the Roanoke River basin at such locations as are appropriate to identify the basin to highway travelers.

ADOPTED this 21st day of March, 2000.

Philip K. Price Mayor

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

(o) Consideration of Starting Salary – Human Resources Director:

Mr. Thomas explained that he had narrowed the selection down to two qualified employees for the Human Resource Director's position. He requested to be authorized to start the salary (\$39,000) at above minimum plus 3%.

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

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

CONSENT AGENDA:

- (a) Approval and adoption of minutes – February 11, 15, 16, 28, and March 2, 6, 8, and 13.
- (b) Approval of a final subdivision plat for Bryant Lemons, Azile P. Lemons, Lisa H. Cherry and James R. Walker for property located on NC Highway 14. SUBDIVISION S-00-01.
- (c) Certificate of Mailing of Preliminary Assessment Resolutions for Highway 14 sewer.

A motion was made by Council Member Grogan seconded by Council Member Janney to approve Consent Agenda items a, b, and c. All Council Members present voted in favor of this motion.

ORDINANCES AND RESOLUTIONS:

- (a) Adoption of an ordinance rezoning property on Friendly Road in the city's extraterritorial jurisdiction from Residential-12S to Residential-12S/MH. ZONING CASE Z-00-02.

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This item was denied, March 21st, 2000.

- (b) Adoption of an ordinance rezoning property on Henderson Road and Jones Street in the city's extraterritorial jurisdiction from Residential-20 to Residential-4. ZONING CASE Z-00-03.

A motion was made by Council Member Rorrer seconded by Council Member Grogan to adopt this ordinance. All Council Members present voted in favor of this motion.

- (c) Adoption of an ordinance amending Section 11.24(n) of the City of Eden Zoning Ordinance pertaining to setbacks in the PUD-district. ZONING CASE Z-00-04.

A motion was made by Council Member Gover seconded by Council Member Myott to adopt this ordinance. All Council Members present voted in favor of this motion.

- (d) Adoption of an ordinance amending Section 11.24(a) of the City of Eden Zoning Ordinance to permit additional square footage in accessory structures in the Residential-Suburban zoning district. ZONING CASE Z-00-05.

A motion was made by Council Member Gover seconded by Council Member Rorrer to adopt this ordinance. All Council Members present voted in favor of this motion.

- (e) Adoption on an ordinance amending the City of Eden Subdivision Ordinance to create a major/minor subdivision distinction and to speed up process. SUBDIVISIONS S-00-01.

Continued until April meeting.

- (f) Adoption of an ordinance amending the City of Eden Zoning Ordinance for Wireless Communication Towers. ZONING CASE Z-99-17.

Previously adopted.

- (g) Adoption of ordinance amending the animal control ordinance.

Previously adopted.

- (h) Resolution: In Support of the "Year of The Rivers" Highway Sign Program in the Roanoke River Basin.

Previously adopted.

- (i) Adoption of an ordinance to reduce the posted speed limit from 35 mph to 25 mph on Caleb Street. (Approved February 15, 2000).

A motion was made by Council Member Rorrer seconded by Council Member Gover to adopt this ordinance. All Council Members present voted in favor of this motion.

- (j) Adoption of an ordinance amending Chapter 9, Section 103(b) and 191 relating to tractors and trailers or just the tractors being parked on the street in residential areas.

This item was pulled from the agenda.

VOUCHERS:

There was no discussion on vouchers.

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ADJOURNMENT:

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

Respectfully submitted,

Kim J. Scott, CMC
City Clerk

ATTEST:

Philip K. Price
Mayor