

CITY OF EDEN, N.C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, April 17, 2001 at 7:30 p.m. in the new City Council Chambers, 308 East Stadium Drive. Those present for the meeting were as follows:

Mayor:	Philip K. Price
Mayor Pro Tem:	John E. Grogan
Council Members:	Ronald H. Reynolds
	Ronald L. Janney
	Christine H. Myott
	William W. Rorrer
	C.H. Gover, Sr.
	Garry Tudor
City Manager:	S. Brad Corcoran
City Attorney:	Charles J. Nooe
City Clerk:	Kim J. Scott
Deputy City Clerk:	Sheralene Thompson

Representatives from City Departments:
Representatives from News Media:

Leslie Brown, Greensboro News & Record; Reid Baer, Eden Daily News

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:

Mr. Jerry Book, Pastor of the First Christian Church, 211 N. Oakland Avenue, was present to give the invocation.

ADDITIONS TO AGENDA:

The following items were added to the agenda:

East Tennessee Natural Gas Company Patriout Expansion Project:

A motion was made by Council Member Tudor seconded by Council Member Gover to add this item to the agenda. All Council Members voted in favor of this motion. This motion carried.

Authorization of Funds for Emergency Sewer Outfall Line Repair:

A motion was made by Council Member Gover seconded by Council Member Tudor to add this item to the agenda. All Council Members voted in favor of this motion. This motion carried.

PUBLIC HEARINGS:

- (a) Consideration of a zoning map amendment request to rezone property at 525 NC 700 West in the city's extraterritorial jurisdiction from Residential-20 to Residential-Suburban. Request submitted by Betty Greenwale and amended by the Planning Board to include two additional properties to be rezoned from Residential-20 to Residential-20/MH. ZONING CASE Z-01-01.

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

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Mrs. Stultz explained that this request was originally from Residential-20 to Residential-Suburban. The property is located on NC 700 West and contained approximately 1.93 acres. It has approximately 200' of frontage on NC 700 and 390' of frontage on unopened Gilley Street (not the same Gillie Street in the eastern part of the city).

She explained that the request was to rezone a tract in the extraterritorial jurisdiction from Residential-20 to Residential-Suburban. The Residential-20 zoning was designed for areas characterized by large lot single family site built residences. The Residential-Suburban is a zoning district characterized by suburban residential and agricultural uses. The area surrounding the subject parcel is characterized by single family site built residential uses with a few manufactured homes.

In the early 1990's, the Planning Board and staff recommended R-S zoning for much of the ETJ. However, in this instance, without rezoning a very large section surrounding the subject parcel, staff was of the opinion that rezoning this approximately 1.9 acre tract alone would not be appropriate. After considering the land use pattern, and the previous discussions the Planning Board had with staff and Ms. Greenwale, it was the Department's opinion that the manufactured home overlay would be more appropriate for the area. In order to apply the manufactured home overlay, two (2) additional parcels would need to be included. They are 7071-03-03-3044-00 and 7071-03-02-4663-00. One of those parcels contains a manufactured home.

The Planning Board did discuss amending this application and certified letters were sent to the two property owners whose parcels would be impacted. Based upon the character of the area and the foregoing information, staff recommended approval of the request as amended.

Council Member Tudor questioned the number of mobile homes that could possibly be located there.

Mrs. Stultz replied that currently there was a house on the tract. They intended to have the property subdivided and the lot size would stay the same.

Mayor Price asked if there had been any other contact with the property owners.

Mrs. Stultz replied that they had posted the property and received a few phone calls. Once they had asked questions she had not received any negative comments. She added that she had not spoken with the two property owners.

Council Member Janney asked that other than the owners getting the letter, she had no idea what their feelings were.

Mrs. Stultz explained that they had asked them to let them know if they had any objections. They were told that this was being considered and it was explained to them exactly what it would require. She noted that one of the two pieces already had a manufactured home on it.

Council Member Janney questioned that they may be elderly people and if they really understood what was going on.

Mrs. Stultz replied that they did understand it as far as she knew. At this point it would not change anything on either property.

Council Member Janney explained that he really had a problem rezoning someone's property if they really did not want it.

Mrs. Stultz agreed and added that knowing that the Council had some reluctance to do that was one of the reasons they knew they could not do a wholesale rezoning to R-S. She stated that there was really not much agricultural activity going on in this particular area. She stated that it was primarily residential which was another reason she felt more comfortable with the

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manufactured home overlay than introducing something that would allow single-wides into that area.

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

Ms. Betty Greenwale, 525 NC 700 West, explained that she originally went to the Planning Board to get permission to put a mobile home on her land. She explained that she lived in Virginia and had a disabled daughter living in the house on her property and she had to drive back and forth. She noted that the home was not big enough for all of them, so she wanted to place a mobile home on the property. She stated that at that time she was told she would have to have it changed to Residential-Suburban, but then she was told that it would be Residential-Mobile Home Overlay, which was fine. She stated that she had talked to all of her neighbors and none had objected. She also noted that Ms. Gilley and the Belton's all were agreeable to this.

As no one else came forward to speak in favor of this request, Mayor Price asked if anyone would like to come forward to speak in opposition. As no one came forward to speak in opposition, Mayor Price declared the public hearing closed.

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

(b) Consideration of a zoning text amendment request to amend the City of Eden Zoning Ordinance to allow "Bed and Breakfasts" as a permitted use. Request submitted by Linda and Aubrey Light. ZONING CASE Z-01-03.

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

Mrs. Stultz explained that at their March 27, 2001 regular meeting, the Planning Board voted to recommend that the City Council approve this request. She noted however that it was not unanimous and there was one vote of dissention.

Mrs. Stultz explained that the request was to amend Section 11.24 of their Zoning Ordinance to permit bed and breakfasts and to add definition and standards of that in to Section 11.29 of the Zoning Ordinance. The request is to include bed and breakfasts as a permitted use in all residential districts. This is a use that is becoming more common in communities across the state and nation. The bed and breakfasts provides for the continued use particularly of older homes. Their availability provides an option for travelers to the community aside from traditional hotels and motels.

Mrs. Stultz covered the various conditions recommended and the Planning Board endorsed. Those conditions include: Bed and Breakfasts, a use that takes place within a building that, prior to such an establishment was a single-family residence and that – (1) Consists of renting from one to six dwelling rooms on a daily basis to tourists, vacationers, and business travelers. (2) No bed and breakfast shall be located closer than 400 feet of a rooming house, a boarding house or another bed and breakfast. (3) The homeowner shall reside onsite. (4) The bed and breakfast shall contain only one kitchen facility. Meals served on the premises shall be only for overnight guests and residents of the facility. (5) The use of such facility by and one patron shall be limited to no more than 15 days per 60 day period. (6) All parking for the bed and breakfast shall be located on site.

Council Member Janney asked if the Planning Board had considered testing one area rather than going with a clean sweep, across everything.

Mrs. Stultz asked if he meant just one zoning district to which he replied yes. She stated that she had checked and there were a couple of really large cities located nearby. High Point has two, and she did not know that any community could support a large number of them. She stated that oddly, the city had two inquiries in the last couple of months. She stated that there had been

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some discussion among the Planning Board about making it a special use process. She stated that from what she had read and from talking to other Planners she really did not think that that was absolutely necessary. She added that the one Planning Board member who had some concern about it felt that it should have been a special use permit. She stated that may be something the Council would want to consider.

Council Member Gover asked what kind of standards they would be in serving meals, etc.

Mrs. Stultz replied that the Health Department's rules would apply. It would obviously have to meet all the city's building code requirements along with the six requirements she had mentioned. Those were basically the same ones that every jurisdiction that allowed them, that she could find, included. She stated that one of the biggest concerns was parking. She noted that sometimes in the older neighborhoods it was hard to get enough parking. That was one reason they would require the parking to be off the street and on the site.

Council Member Gover stated that was his next question. He asked who would enforce that.

Mrs. Stultz explained that when someone came in to get a particular permit, they tell them they have six bedrooms (they live there and there was the potential for five guests), then when they do the code compliance section they would check to make sure they had an adequate area to park five cars.

Mayor Price asked what concerns she had.

Mrs. Stultz replied no other issues in that, but the only thing that she did not offer in her report, that she had given some consideration to, was to make it a special use process where they would have to apply for a special use permit and go before the Board of Adjustment. She stated that she really did not think they would have this to the intensity that it would be necessary.

Council Member Grogan asked if it would not give all the citizens in town an opportunity to look at a special use permit, if someone was looking to do something. If they did this then there was really no looking. If they had a special use permit it kind of highlighted what was happening. Council Member Janney agreed in that it had better control.

Mrs. Stultz suggested that it could be tabled, redrafted and sent back to the Planning Board.

Council Member Rorrer asked if she could think of any business that could be operated in every (residential) zone of the city.

Mrs. Stultz replied that a day care or church could be operated in every residential zone.

Council Member Tudor commented that he would feel more comfortable if they applied for a special use permit.

Mayor Price asked if there was anyone present who would like to speak in favor or in opposition of this request. As no one came forward to speak, Mayor Price declared the public hearing closed.

A motion was made by Council Member Tudor seconded by Council Member Gover to table this request and have Mrs. Stultz (Planning & Inspections Director) come back with guidelines for Special Use Permits along with minutes from the Planning Board meeting.

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

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(c) Consideration of a Local Law Enforcement Block Grant Program and the proposed expenditure of funds. An application has been made for the benefit of the City of Eden in the amount of \$24,337. A matching amount of \$2,704 will be required by the City of Eden.

Mayor Price called for a public hearing and asked Gary Benthin, Chief of Police, to come forward for a report.

Chief Benthin explained that this was a two-part request and first of all he was requesting permission to apply for the grant and the matching funds in the amount of \$2,704. He explained that this was not a sure grant, it was money left over from last year and others were competing for it as well. The second part of the request was for a public hearing to receive community input as to what the money should be spent for, if they received the grant.

Chief Benthin stated that he had no particular plans for the money, they have bought in-car video cameras in the past and that was always a good thing to buy, but they could also use the money for some of the equipment needed downstairs. He added that they did not have to make a decision at this point, as they had twelve months from the time they receive the grant.

Council Member Reynolds questioned why the money could not come out of the Police Department's budget.

Chief Benthin replied that it was considered supplanting the grant and they could not supplant existing grants, they had to be new funds.

Council Member Gover questioned where they could get the \$2700.

Mr. Corcoran replied that they could utilize funds in the Contingency account. Of course, they have reduced that account and current financial statements showed about a one hundred thousand dollars (\$100,000) remaining, but he noted that of that \$100,000 the majority of that, if not all, would be spent on the City Hall renovations. He stated that it would be a tight fit but that was probably where they would take it.

Council Member Grogan asked if he thought they would hear from this before July 1.

Chief Benthin replied yes, they could not apply for it until they had the public hearing.

Council Member Rorrer asked if it was critical where they found the money at this time, as long as they agreed to find it.

Mr. Corcoran replied that was correct, it was not critical where the money was found at this time.

A motion was made by Council Member Rorrer seconded by Council Member Grogan to approve permission to apply for this grant. All Council Members voted in favor of this motion. This motion carried.

Mayor Price asked if there was anyone present who would like to speak in favor or in opposition of this request. As no one came forward to speak, Mayor Price declared the public hearing closed.

MONTHLY FINANCIAL REPORT:

(a) Finance Department Monthly Reports.

Mayor Price explained that the Council had received an addition to their agenda packet tonight. He noted that Mrs. Jeffries was out sick today and there had been some changes that were made for tonight's proposal. He asked if everyone had an opportunity to review this information.

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Several Council Members indicated that they had not had time to review it.

Council Member Janney commented that he had talked with the City Manager earlier, before the meeting, and personally he was okay with going over the financial report. He stated that there were some things he would be looking at also.

Mayor Price explained that the City Manager went through the information and found some things that he wanted to clarify and that was the reason they had the information tonight. He noted that those changes were made by the City Manager.

A motion was made by Council Member Rorrer seconded by Council Member Grogan to accept the Financial Report. All Council Members voted in favor of this motion. This motion carried.

REQUESTS AND PETITIONS OF CITIZENS:

Mr. Roger Brown, 211 Gracie Street, explained that he was concerned about Pillowtex. He questioned if the city or any of the city's officials had approached them about their plant closing. He stated that it seemed they could not get anything to come to Eden. He explained that quite a few members of his church worked there and they may have to consider leaving Eden. He stated that he did not know if anything could be done, but he was concerned about it.

Mayor Price stated that the Council and the city's staff thought about Fieldcrest every day. He stated that they have watched the anguish on the faces of their friends and neighbors as they have lost their jobs. He stated that as of today, things were in operation to express concern about the possible closing and to offer support to the employees in any way possible, in terms of their feelings about it and to represent the community as a whole. He stated that they wished them the best and they would be doing everything within their power to help them.

UNFINISHED BUSINESS:

(a) Consideration of litter provisions:

The memorandum presented to Council explained that at the regular March meeting the Council asked the Planning and Inspections Director to check into the fines for littering. The parts of the Eden City Code that deal with litter type issues are Chapter 6, Health Sanitation and Nuisances, Chapter 12, Solid Waste and Chapter 13, Streets, Sidewalks and other Public Places.

Mayor Price explained that Mrs. Stultz had sent the Council some information in regard to the different fines available. He asked if she had any thoughts on this.

Mrs. Stultz replied that she knew that there was more than one way that they dealt with it. She noted that 14-399 was obviously something that the Police would deal with. For the other three sections of the city's code, it would certainly be easier if they could all be the same. She stated that the change would be upon the City Attorney's recommendation and a decision by the Council.

Mayor Price asked how many fines were paid last year for litter.

Mrs. Stultz replied that it would depend upon how it was defined.

Mayor Price asked if it was marked in any way so that she would know to which she replied no. She stated that when they dealt with nuisance complaints and those kinds of things, they had not fined anyone. They basically send a contractor out to clean it up and then bill the property owner for it. She stated that as for some of the other things, the Police Chief could probably tell them about the criminal enforcement.

Mayor Price asked what her recommendation would be for fines and violations for her department.

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Mrs. Stultz replied that she would like to see them all charged to the very maximum, especially repeat offenders. If the Council would like for her to look into that a little deeper she could come back with a recommendation.

Council Member Gover asked if this went over into the ETJ to which she replied that at this particular point, the city's nuisance provisions did not, but there were some very narrow, more health related nuisances that the General Statutes allow, but the city's ordinances did not address that. She stated that with some assistance with the City Attorney, other communities do that in those areas.

Mayor Price pointed out that the County was not going to enforce them, was that not correct.

Mrs. Stultz replied that at this point the County did not have a straight up nuisance ordinance and they do everything through zoning. All of their junk car, junk and debris enforcement was done as a zoning violation. Since it was in the city's zoning jurisdiction, the city had to do that. What enforcement that had been done in those areas was done as zoning violations. She stated that she understood that the Council had the ability to choose to do them in those areas if they wanted. She added that if they would like for her to look in to it, she could, with the help of the City Attorney.

Council Member Janney asked why she would not want to go with the strongest statute, 14-399, if they were going to enforce it. He added that they certainly needed to enforce it along the highway. He referred to the Adopt a Street program and noted that after they have cleaned the street up today, tomorrow it would be full of litter again.

Mrs. Stultz agreed, especially if it was on the right of way.

Council Member Rorrer asked if any provision covered off of public property.

Mrs. Stultz replied that off of public or right of way, it becomes a nuisance.

Council Member Rorrer explained that he was talking about dumping trash on another person's property. He used Council Member Reynolds as an example and questioned what if he put trash on Council Member Reynolds' property. He noted that the statute did not specify.

Mrs. Stultz assumed that he and Mr. Reynolds lived next door to each other. Mr. Rorrer was taking all of his mess and putting it over in Mr. Reynolds' yard. When Mr. Grogan, who lived on the other side of Mr. Reynolds, called her and they went out there, the only thing the city could do would be to force Mr. Reynolds to pick it up. She added that she could look into it to see if they could identify the person who was really doing the deed, she would be glad to.

Mayor Price asked the City Attorney if the Council could choose, tonight, the North Carolina General Statute with the higher fine.

Mr. Nooe replied that it was already there to be enforced. He added that he did not see any point in adding more ordinances and statutes when they did not enforce the ones they had. He pointed out that if they go back and check the records, how many people were charged, either under 14-4, and actually the city had already adopted an ordinance under 14-4 and the maximum the State of North Carolina allows the city to penalize anyone under those littering ordinances and statutes was 30 days in jail or a \$500 fine. Obviously if they charge them under the State's statute, the penalty was more severe, but they were not enforcing what they had. If they had a few people serving 30 days or paying fines for throwing litter out on the streets, maybe they would see some results, but more statues and ordinances were not going to do a thing.

Mayor Price explained that his question was to make the one that was already on there, the stiffer one to which Mr. Nooe replied that the stiffer one would apply to the State roads, but 30 days and \$500 was pretty stiff for throwing it out on the city's streets. He added that if no one was getting charged for it then it was not stiff at all.

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Council Member Gover explained that his point on the ETJ was, if that was common ground, if the city or the county was not enforcing it there, it definitely should be looked at.

Mr. Nooe pointed out that the State Highway Patrol had as much right to enforce 14-399 as anybody else.

Mayor Price stated that he thought Council Member Gover was talking about the violations in the ETJ for nuisance more than anything.

Mr. Nooe replied that as far as inside the city, every nuisance was not a public nuisance. If Mr. Rorrer was throwing trash on Mr. Reynolds' lot, that was not a public nuisance. That was a private nuisance and Mr. Reynolds could take him to court.

Council Member Grogan suggested that they encourage the Police Department and other city employees, as well as citizens to bring attention to people who litter their streets and get license plates and be willing to stand up in front of a judge, or whoever, and say "he did it".

Mr. Nooe replied that where he lived, there was a vacant lot and almost everyday when he went out there was another piece of trash out there, but he had never seen anybody throw anything out. He stated that he was sure there were exceptions, but it was not the sort of thing people do while someone was standing there watching them, or while the Police Officer was coming. He stated that it was a very difficult situation to call on the Police Department to stop. He challenged them to look and see how many times they see someone throw something out.

Mayor Price mentioned a group called "Operation Pride", which was a formation of interested citizens who were making an effort to get together monthly to clean up a designated area in town. He noted that they were available to speak to public civic clubs and church groups. He stated that he suspected that this group would gradually grow as they were all concerned about this litter problem.

(b) Consideration of 2001 Street Contract - Request to Award Contract :

The memorandum presented to Council explained that the Council had received a copy of the Revised Certified Bid Tabulation for the 2001 Street Contract. The bids were received on March 22, 2001 at 2:00 p.m. A total of three (3) responsive bids were received on the project. The fourth bid was considered a non-responsive because the contractor's general contractors license was for intermediate grading and excavation only, which did not include asphalt paving. The following is a summary of the low bidder for all three sections of the contract:

Bid Section A – Resurfacing: Thompson, Inc. of Danville - \$392,413.85
Bid Section B – Reconstruction (Overlook Avenue): Thompson, Inc. of Danville - \$66,748.80
Bid Section C – New Construction (Friendly Road): Thompson-Arthur Paving - \$13,394.75

Total project bid: Sections A,B, & C Combined – Thompson, Inc. of Danville - \$474,849.90.

Based on the above information the Engineering Department recommended the award of Bid Sections A&B to Thompson, Inc., of Danville in the amount of \$459,162.65 and award of Bid Section C to Thompson-Arthur Paving in the amount of \$13,394.75. The cost saving of awarding the Bid Sections as two (2) separate contracts is \$2,292.50, instead of awarding the total project bid to Thompson, Inc., of Danville, upon City Council approval. The Street Committee at an April 4, 2001 meeting unanimously approved the Engineering Department's recommendation of award for the 2001 Street Contract.

A motion was made by Council Member Grogan seconded by Council Member Rorrer to approve the 2001 Street Contract and award the contract to Thompson, Inc. (Bid Sections A & B in the amount of \$459,162.65) and Thompson-Arthur Paving Co. (Bid Section C in the amount of \$13,394.75). All Council Members voted in favor of this motion. This motion carried.

(c) Consideration of trailer purchase recommendation.

The information provided to Council explained that the Fleet Maintenance Superintendent received three (3) quotes for the purchase of a new tilt top trailer that was a budgeted item for this year. Each vendor's quote meets the specifications required for this unit.

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The following quotes were received:

- 1-Atkinson Truck Sales – Hudson 20-Ton rated unit equipped as required – Cost: \$13,600.00 (Excludes FET)
- 2-North Carolina Equipment Co. – Hudson 20-Ton rated unit equipped as required – Cost: \$15,969.00 (Excludes FET)
- 3-Briggs Construction Equipment Co. – Hudson 20-Ton rated unit equipped as required – Cost: \$20,000.00 (Excludes FET)

It was recommended that the City of Eden purchase the trailer quoted from Atkinson Truck Sales in the amount of \$13,600.00.

Mayor Price explained that the city would have to pay the road tax and trailer tags in addition to the \$13,600, which would total \$14,008 even.

Council Member Janney asked what happened to the last trailer that they bought.

Mr. Benny Sexton, Municipal Services Director, replied that it was sold at auction.

Council Member Rorrer questioned what it would be used for to which Mr. Sexton replied that it would be used to haul pipe out on the job, to move a backhoe any long distance, or a crawler, it would have the ability to do all of that.

A motion was made by Council Member Rorrer seconded by Council Member Grogan to approve this request (purchase from Atkinson Truck Sales in the amount of \$13,600 with additional road tax and trailer tags totaling \$14,008).

Council Member Gover asked if the city had the equipment to handle this trailer, a truck that could pull it or the people who could operate this trailer with a load, to which Mr. Sexton replied that they did.

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

(d) Consideration of expenditure of Block Grant 2000 Money, LLEBG.

The memorandum provided to Council explained that the city has received funding from LLEBG 2000. They have had the public hearing and the advisory board meeting. The Chief of Police had a signed Purchase Requisition in the amount of \$18,250 for the purchase of five in-car video systems.

A motion was made by Council Member Grogan seconded by Council Member Gover to approve this request (purchase of 5 in-car video systems in the amount of \$18,250).

Council Member Rorrer asked how many that would give them total to which Chief Benthin replied seventeen (17).

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

NEW BUSINESS:

(a) Consideration of a Resolution of Intent to close an unopened street adjacent to Hamilton Street. STREET CLOSING SC-00-03.

RESOLUTION OF INTENT TO CLOSE AN UNOPENED STREET ADJACENT TO HAMILTON STREET

BE IT HEREBY RESOLVED by the City Council City of Eden, North Carolina, that

Pursuant to the provisions of Chapter 13, Article III, Division 3 and Section 13-88 of the Eden City Code and Section 160A-299 of the North Carolina General Statutes, the City Council of the City of Eden, North Carolina, does hereby declare its intention to close the following described unopened Street.

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BEGINNING at a point at the northwest intersection of Fifth and Hamilton Street N 86 deg. 30 min. W 180 feet to a stake; thence S 40 feet to a point; thence S 86 deg. 30 min. E 180 feet to a point in the western right of way line of Hamilton Street; thence along and with said right of way line 40 feet to point and place of beginning.

BE IT FURTHER RESOLVED that the City Council does hereby call for a public hearing on the said closing to be held on the 15th day of May at 7:30 p.m.

BE IT FURTHER RESOLVED, that this Resolution will be published once a week for four successive weeks prior to the said hearing, a copy of said Resolution be sent registered or certified mail to all owners of property adjoining said street as shown on the Rockingham County Tax Records, and prominently posted in at least two (2) places along said street.

BE IT FURTHER RESOLVED, that the Planning Board is hereby requested to submit its recommendation on the proposed closing of said street for consideration of the City Council at the time of said public hearing.

APPROVED, ADOPTED AND EFFECTIVE, this the 17th day of April, 2001.

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

Attest:

s/Kim J. Scott
Kim J. Scott, CMC
City Clerk

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

(b) Consideration of a Resolution of Intent to close an unopened alley adjacent to the east side of The Boulevard. STREET CLOSING SC-01-01.

RESOLUTION OF INTENT TO CLOSE AN UNOPENED ALLEY ADJACENT
TO THE EAST SIDE OF THE BOULEVARD

BE IT HEREBY RESOLVED by the City Council City of Eden, North Carolina, that

Pursuant to the provisions of Chapter 13, Article III, Division 3 and Section 13-88 of the Eden City Code and Section 160A-299 of the North Carolina General Statutes, the City Council of the City of Eden, North Carolina, does hereby declare its intention to close the following described unopened alley located off the north side of The Boulevard.

BEGINNING at a point in the northern right of way line of The Boulevard said point being the southeast corner of Lot 15, Section 2 of the Floyd Hill subdivision as recorded in Map Book 3, at page 132 in Rockingham County Register of Deeds Office, thence from said point of beginning along and with the eastern line of said Lot 15 N 8 deg. 00 min. W 90 feet to an established iron pipe being the northeast corner of Lot 15; thence S 82 deg. 00 min. W 50 feet to a point being the northwest corner of Lot 14 of the aforementioned plat and survey; thence N 8 deg. 00 min. W 10 feet to a point in the northern line of an unopened alley; thence N 79 deg. 06 min. E 60 feet to an iron pipe; thence S 10 deg. 54 min. E 100 feet to a point in the northern right of way line of The Boulevard; thence along and with said right of way line to the point and place of beginning and being an unopened alley.

BE IT FURTHER RESOLVED that the City Council does hereby call for a public hearing on the said closing to be held on the 15th day of May at 7:30 p.m.

BE IT FURTHER RESOLVED, that this Resolution will be published once a week for four successive weeks prior to the said hearing, a copy of said Resolution be sent registered or certified mail to all owners of property adjoining said street as shown on the Rockingham County Tax Records, and prominently posted in at least two (2) places along said street.

BE IT FURTHER RESOLVED, that the Planning Board is hereby requested to submit its recommendation on the proposed closing of said street for consideration of the City Council at the time of said public hearing.

APPROVED, ADOPTED AND EFFECTIVE, this the 17th day of April, 2001.

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Minutes of the April 17, 2001 meeting of the City Council, City of Eden, N. C.

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

Attest:

s/Kim J. Scott
Kim J. Scott, CMC
City Clerk

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

(c) Consideration of climate control for dog pound.

The memorandum explained that Dr. Grady Glasscock runs the dog pound for the city. He owns the facility and the city pays him a monthly fee. In the summer it gets well over 100 degrees inside. In winter it gets to ambient temperature. It is inhumane to keep animals confined in such extreme temperatures.

The Police Chief explained that in his FY 2000-2001 budget, he requested \$6,000 to insulate, heat, and air-condition the pound and \$500 for electricity. The money was appropriated. He was now requesting permission to proceed with the project.

Mayor Price commented that frankly, he would recommend that the Council ask for further information on this.

A motion was made by Council Member Rorrer seconded by Council Member Tudor to table this request for further information. All Council Members voted in favor of this motion. This motion carried.

(d) Consideration of light fixture purchase/Eden Municipal Park.

The information presented to Council explained that to begin the process of developing the first phase of the Eden Municipal Park, the Park Committee would like to recommend the approval of the lighting proposal provided by the Duke Power Company.

A motion was made by Council Member Grogan seconded by Council Member Tudor to approve this request (total cost - \$14,484.35). All Council Members voted in favor of this motion. This motion carried.

(e) Consideration of appointment to Safety Committee.

A motion was made by Council Member Rorrer seconded by Council Member Grogan to approve the nomination by Council Member Gover of Ms. Tammy Amos of the Engineering Department. All Council Members voted in favor of this motion. This motion carried.

(f) Consideration of request for US Highway 311 to be extended to Eden.

Mayor Price explained that this was part of a conversation that had gone on for a number of years, to extend US Highway 311, that starts in High Point and stops somewhere in the neighborhood of Madison at the Chevrolet dealership. This request was to ask their Congressman for help in extending this designation through Eden, back down to Highway 29, which would be the proposed 785 in the future.

He explained that everyone who had talked about it thought it would be favorable economically. He stated that it would certainly be an east-west corridor for traffic across Rockingham County.

For clarification, Mayor Price explained that it would continue up Highway 220, down Highway 135, through Eden, and tie in to Highway 700 to Highway 29.

A motion was made by Council Member Tudor seconded by Council Member Gover to ask our Congressman for help in extending US Highway 311 through Eden to Highway 29 (Hwys 220-

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135-700 to Hwy 29) approve this request. All Council Members voted in favor of this motion. This motion carried.

CONSENT AGENDA:

(a) Approval and adoption of minutes – April 9 & 20, 2001.

(These dates should have been March 9 & 20, 2001-correction by S. Thompson 7/6/01)

(b) Approval and adoption of a motion to hold a public hearing to amend Division 6, Section 2.92 of the Planning Organization Ordinance.

(c) Approval and adoption of a motion to hold a public hearing for satellite annexation on Highway #14 South as requested by Zachary Chilton.

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

ACTION ON ADDITIONS TO AGENDA:

East Tennessee Natural Gas Company Patriot Expansion Project:

A motion was made by Council Member Gover seconded by Council Member Tudor to approve this request (Letter to Gas Co. showing support). All Council Members voted in favor of this motion. This motion carried.

Authorization of Funds for Emergency Sewer Outfall Line Repair:

Mr. Corcoran explained that each Council Member should have a brief memo that outlined the history concerning this. He explained that it was the Mill Street Outfall area and basically last week, one of the city's employees was doing some routine mowing when he noticed a section of line that had caved in. The area was dug up and it was discovered that every joint of the terra cotta pipe had collapsed and was in need of being replaced. He stated that it was approximately 516' of line located in a very swampy area. After discussing the area they felt that the existing city forces would be unable to handle it and decided to proceed with ordering the pipe, totaling \$12,306.60 and they contacted Sam W. Smith, Inc., for labor work and that price came in at \$22,500.00. He stated that obviously the situation needed immediate attention due to the fact that they had an open ditch with sewer running. As it was in excess of \$5,000.00 they needed to bring it before the Council for authorization to approve those funds. He added that Smith began the work today.

A motion was made by Council Member Rorrer seconded by Council Member Gover to approve the action that was taken (authorization to spend \$12,306.60 for pipe and \$22,500 for labor work by Sam W. Smith, Inc.). All Council Members voted in favor of this motion. This motion carried.

ORDINANCES AND RESOLUTIONS:

There were no ordinances and resolutions.

VOUCHERS:

There was no discussion on vouchers.

CLOSED SESSION:

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Closed Session to consult with the attorney in order to preserve the attorney client privilege according to GS 143-318.11(a)(3).

A motion was made by Council Member Janney seconded by Council Member Gover to go into Closed Session to consult with the attorney in order to preserve the attorney client privilege according to GS 143-318.11(a)(3). All Council Members voted in favor of this motion. This motion carried.

OPEN SESSION:

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

ADJOURNMENT:

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

Respectfully submitted,

Kim J. Scott
City Clerk

ATTEST:

Philip K. Price
Mayor