The regular meeting of the City Council, City of Eden, was held on Tuesday, December 18, 2001 at 7:30 p.m. in the Council Chambers, 338 West Stadium Drive. Those present for the meeting were as follows:

Mayor: Philip K. Price
Mayor Pro Tem: John E. Grogan
Council Members: Ronald H. Reynolds

(absent) Ronald L. Janney

Christine H. Myott

(absent) William W. Rorrer

C.H. Gover, Sr. Garry Tudor

Council Elect: Billy Vestal

Jerry Epps

City Manager: Brad Corcoran
City Attorney: Thomas Medlin, Jr.

City Clerk: Kim J. Scott

Deputy City Clerk: Sheralene Thompson

Representatives from City Departments:

Representatives from News Media: Doug Grant, The 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.

Mayor Price explained that the meeting would begin by installing the new Council Members and the selection of the Mayor Pro Tem.

# RECOGNITION:

Mayor Price introduced the city's new attorney, Mr. Tom Medlin. He then recognized Sheriff Sam Page who was seated in the audience.

# **INVOCATION**:

Mayor Price introduced Mr. Joel Long, Pastor of the First Presbyterian Church, who was present to give the invocation.

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# <u>INTRODUCTION OF THE HONORABLE RICHARD W. STONE:</u>

Mayor Price recognized the Honorable Richard W. Stone, District Court Judge, who came forward to give the oath of office.

# PRESENTATION BY MAYOR PRICE:

### Oaths of office:

Mayor Price declared the seat from Ward 5 vacant and explained that under normal circumstances Council Member Ron Janney would receive a plaque, which read "This is to be presented to Ronald L. Janney in appreciation of outstanding service to the City of Eden as Council Member from 1997 to 2001." He continued that the plaque was "from the Mayor and the City Council on December 18, 2001. He noted that Mr. Janney was actually on the City Council for sixteen (16) years. He met every issue head on and spoke his mind and gave a lot of time and effort to the city.

Mayor Price asked Mr. Billy Vestal, Council Elect, to come forward to be sworn in by Judge Stone.

Council Member Vestal thanked all the citizens of Eden who supported him.

Mayor Price then declared the seat from Ward 4 vacant and explained that under normal circumstances Council Member Bill Rorrer would receive a plaque, which read "This is to be presented to William "Bill" Rorrer in appreciation of outstanding service to the City of Eden as Council Member from 1997 to 2001." He continued that the plaque was "from the Mayor and the City Council on December 18, 2001. He noted that Mr. Rorrer served the city for twenty (20) years and was characterized by meeting issues head on. He was an outstanding individual who would be missed.

Mayor Price asked Mr. Jerry Epps, Council Elect, to come forward to be sworn in by Judge Stone.

Council Member Epps stated that he certainly appreciated all the efforts that were put forth in his campaign, the people who worked endless hours and stayed out in the cold at the polls.

Mayor Price then called for Council Member Chris Myott of Ward 3 to come forward to be sworn in by Judge Stone.

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Council Member Myott thanked everyone for their support. Mayor Price noted that Council Member Myott was beginning her third term for the city.

Mayor Price then declared the office of Mayor vacant and made himself available to be sworn in by Judge Stone.

Mayor Price expressed an honor to be back as Mayor. He stated that everyone had heard him say before that this was such a wonderful community. There were so many challenges in front of them and on behalf of the Council, he thanked everyone for giving them the opportunity to serve again. He stated that for the next two years they would be asking for comments, participation, and support and mostly for their prayers as they go about setting a policy for the operation of this city.

### Recess:

Mayor Price explained that they would be taking a ten-minute recess for Mr. Tom Barbour, of Picture This Photography, to make pictures of the new City Council members.

# **MEETING CONVENED:**

# SELECTION OF MAYOR PRO TEM:

Mayor Price explained that the next order of business was the election of a Mayor Pro Tem. He opened the floor and stated that the nominations were in order.

A motion was made by Council Member Reynolds seconded by Council Member Gover to nominate Council Member Grogan as Mayor Pro Tem.

A motion was made by Council Member Myott seconded by Council Member Tudor that the nominations be closed. All Council Members voted in favor of this motion. This motion carried.

Action on the nomination of Council Member Grogan as Mayor Pro Tem was as follows: All Council Members voted in favor of this motion. This motion carried.

### **PUBLIC HEARINGS:**

(a) Consideration of a request to close an unopened portion of an unopened street adjacent to Union Street. Request submitted by William Shumate and others. STREET CLOSING SC-00-02.

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

Mrs. Stultz explained that at the June 20, 2000 meeting the Council adopted a Resolution of Intent to close an unopened portion of an unopened street adjacent to Union Street. The Council scheduled a public hearing; however, due to circumstances the public hearing was not held at that time. At the November 20, 2001 meeting, the Council scheduled this public hearing to hear comments on the street closing petition.

She stated that as the Mayor said earlier, this was Street Closing SC-00-02 and the applicant was William Shumate and others. It was to close an unopened portion of Sixth Street and is approximately 40 feet wide and 173.5 feet long.

She explained that the city has received a petition signed by 100 percent of the abutting property owners requesting that an unopened right of way be closed. The subject portion of the street has never been opened. The land abutting the unopened right of way has primary access onto a portion of Short Union Street.

The Eden City Code, Chapter 13, Article 3, Division 3, and NCGS 160A-299 authorize the City Council, upon recommendation from the Planning Board, to consider the closing or vacating of a street in accordance with the rules and procedures set forth therein. Furthermore, it permits the City Council to close a street provided that after a public hearing has been held, it appears to the satisfaction of the Council that closing the street or alley is not contrary to the public interest, and that the city has no interest in preserving the dedication of such street or alley for municipal purposes, and that no individual owning property in the vicinity of the street or alley would thereby be deprived of reasonable means of ingress and egress to his property.

The following public utilities and public service corporations have been contacted in response to this street closing and have issued the following comments in regards to their utility lines and future utility plans for the area.

City of Eden Engineering has no objections and Duke Power responded with no objections. The following companies have yet to respond to equerries regarding locations of utilities in this area or their future plans: Sprint, NC Natural Gas Company, Time Warner Cable, and Duke Power. She added that it had been the general practice of Council to assume that it meant no objection.

According to the NC General Statutes and the Eden City Code, before the city can close a street, the City Council must be satisfied of two matters: (1) That the street closing is not contrary to the public interest and (2) That no individual who owns property in the vicinity of the street is deprived of reasonable means of ingress and egress to that property because of the street closing.

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In regards to the required findings, the Planning & Inspections Department issued the following comments:

Contingent upon comments from the public service corporations, the staff was of the opinion that the street is not required for public utility service for the area.

Based upon the fact that the street has never been opened, nor was the street in the city thoroughfare plan or any other transportation improvement plan, the staff was of the opinion that the street was not necessary to the general public for travel and traffic circulation in the area.

Based upon the fact that all properties in this area have their primary access off of short Union Street the staff was of the opinion that no one would be denied reasonable means of ingress and egress because of the closing.

In conclusion, the staff recommended, based upon those stated findings, that the street be closed as requested.

Council Member Grogan asked who owned the land when a street was closed to which Mrs. Stultz replied that it was divided by the property owners who owned the land on each side.

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

Ms. Tracy Hutchens, 234 Short Union Street, came forward to show support for this request. She explained that the owner on the other side was selling their home and they built a building before they even knew there was a street there about seven or eight years ago. She stated it would be better if they could get the road closed to avoid controversy.

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

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

Council Member Grogan commented that he knew it was not legal, but he suggested that when a street was closed and property owners gained land, it increased the value of their property, and they might consider some type of contribution to the city park.

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

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

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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.

Tract 1.

BEGINNING at a point being the east right of way line of Short Union Street said point being the northeast intersection of Short Union Street and Sixth Street said point also being the southwest corner of the Shumate property; then S 86 deg. 30 min. E 173.5 feet to a stake, thence S 40 feet to a point being the northeast corner of the Hutchens property; thence along and with the north property line of said Hutchens property N 86 deg. 30 min. W. 173.5 feet to a point in the right of way line of Short Union Street same being the northwest corner of said Hutchens property; thence N 40 feet to the point 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 18<sup>th</sup> day of December 2001, 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 the 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 18<sup>th</sup> day of December, 2001.

# MONTHLY FINANCIAL REPORT:

(a) Finance Departments Monthly Report.

A motion was made by Council Member Grogan seconded by Council Member Reynolds to approve the Financial Report as presented. All Council Members voted in favor of this motion. This motion carried.

# REQUESTS AND PETITIONS OF CITIZENS:

(a) Dr. David Smith to address Council.

Dr. Smith congratulated the newly elected Council and also that the Park Committee was looking forward to working with all the Council in getting this Park done. He stated that they would take all suggestions and even Mr. Grogan's suggestion on funding the Park, and consider them.

Dr. Smith then asked Patrick and Heather Joyner, the local owners of McDonalds, to come forward.

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Mr. Joyner stated that he was pleased to be there and felt fortunate to share this information with the City Council. He explained that through Ronald McDonald House, they were able to get a grant for the City Park to help build youth baseball fields in the amount of \$28,000. He added that they were very happy that they were able to do this because they have children who would some day be able to use the Park and certainly as Eden grew it would be better for their business as well as for every other business. He stated that he hoped that this little start would help make the youth have a better opportunity to participate in sports and hopefully others will step up and start doing the same.

Mayor Price thanked the Joyners for their wonderful gift and noted that they were exemplary young people in this community.

# **UNFINISHED BUSINESS:**

(a) Consideration of Finkbeiner, Pettis & Strout, Inc., Amendment to the Open-End Engineering Services Contract for Professional Services.

The memorandum explained that the Engineering Department recommended the approval of the open-end contract amendment for professional engineering services on an on-call basis as needed, upon Council approval. This amendment will extend the time period of the existing contract for another four years or until December 31, 2004.

Council Member Gover asked for input by the City Attorney.

Mr. Medlin explained that he had reviewed the proposed agreement and he approved of it as to form.

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.

(b) Consideration of Meadow Greens, Merriman Street & Long Street Sewer Outfalls Rehabilitation Project – Amendment to the Engineering Contract for Professional Services.

The memorandum explained that the consultant has completed the Sanitary Sewer Evaluation Study and has submitted the Rural Center Grant applications. This engineering services contract amendment was for the final design phase, bidding, construction administration and inspection services for the outfall rehabilitation construction.

Council Member Vestal questioned the construction operation on page 4 of the memorandum where it said hourly not to exceed 480, was this variable, did they get a refund if it went over that...

Mr. Stanley explained, hourly not to exceed 480 man-hours. They would not exceed that amount, it was only based on what actual time they would spend in the field. If it was 200, that

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was all they would charge them. They have actually discussed with them, since there was some rehabilitation methods being used that they were not accustomed to inspecting, like typical new line work being placed, where they go in and actually rebuild the pipe from the inside and use what was in place, instead of putting a new one beside it, and they were relying on their expertise to just get the project going, but if the city's people and the work load would allow it, they planned on doing some themselves to save some of that money.

Council Member Grogan asked how many easements they thought they would have to have and who did he think they would have to get them from.

Mr. Stanley replied that they were currently working on that. At the time the contract was written, they were not sure of what was existing or not, but all this entails would be, they were working on the options around the golf course and the pond area there, and all that part that was being replaced with 12 inch. Essentially that would be the only part, about 1600 feet, and it would be primarily R.B. Davis and through the golf course. He added that he would be meeting with them after the first of the year to go over that with them.

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

# (c) Consideration of Budget Amendments 7 and 8.

	Account #	From	То	Amount
General Fund				
Expenditures				
Insurance/WC	10-4310-18600	\$ 44,000.00	\$ 54,730.00	\$ 10,730.00
Salaries	10-4310-12100	\$2,020,500.00	\$2,009,770.00	\$ (10,730.00)

Budget Amendment #7 is to cover coverage in Insurance/WC for Police Department reallocation of funds not utilized currently to hire 2 FTE (dispatchers).

A motion was made by Council Member Grogan seconded by Council Member Reynolds to approve Budget Amendment #7. All Council Members voted in favor of this motion. This motion carried.

	Account #	From	То	Amount
General Fund				
Revenues				
Fund Balance	10-3991-91000	\$ 47,850.00	\$ 51,591.26	\$ 3,741.26
Appropriated				
General Fund				
Expenditures				
Insurance/Bonds/WC	10-4340-18600	\$ 41,000.00	\$ 52,074.36	\$ 11,074.36

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Supplies/Gas	10-4340-25100	\$ 7,500.00	\$ 6,288.49	\$ (1,211.51)
M/R Equipment	10-4340-25700	\$ 6,500.00	\$ 5,500.00	\$ (1,000.00)
Utilities – Gas	10-4340-33300	\$ 15,000.00	\$ 13,000.00	\$ (2,000.00)
M/R Buildings	10-4340-35100	\$ 7,500.00	\$ 5,500.00	\$ (2,000.00)
Employee Training	10-4340-39500	\$ 5,000.00	\$ 4,000.00	\$ (1,000.00)
Dues/Subscriptions	10-4340-49100	\$ 3,600.00	\$ 2,850.00	\$ (750.00)
C/O Furniture	10-4340-59000	\$ 1,000.00	\$ -	\$ (1,000.00)
Physicals	10-4340-19300	\$ 15,000.00	\$ 14,000.00	\$ (1,000.00)
Safety Equipment	10-4340-21400	\$ 15,000.00	\$ 13,887.15	\$ (1,112.85)
Fire M/R Vehicles	10-4340-25300	\$ 13,000.00	\$ 16,741.26	\$ 3,741.26

Budget Amendment #8 is to cover the overage of Insurance/WC in the Fire Department and to reappropriate a repair authorized June 01 not completed until July 01.

Council Member Reynolds asked if the City Garage did repairs on the city's fire trucks.

Mrs. Ford replied that it was her understanding that they did do this repair, they purchased the part, which was roughly \$12,000 and their labor was additional.

Chief Overby added that was where they replaced the motor in the old American LaFrance. The Garage recommended that it be sent out as they could not put the motor in it. They sent it to Carolina Tractor, and that was the fee to rebuild the motor.

Mayor Price explained that in response to Council Member Reynolds question though, they have members of his staff who do a lot of that work.

Chief Overby replied that he had his own mechanic who did minor work on the truck and they use the Garage for anything major to the point of replacing the motor, then they had to go somewhere else, but the Garage did do a lot of work for them.

A motion was made by Council Member Tudor seconded by Council Member Reynolds to approve Budget Amendment #8. All Council Members voted in favor of this motion. This motion carried.

# **NEW BUSINESS**:

# (a) Consideration of Planning Organization Appointments and Reappointments.

The memorandum provided to Council explained that each year at the December meeting, the City Council makes appointments to the various boards and commissions of the city's planning organization. Each member of these groups is appointed for a three (3) year term. The terms are staggered so that only a portion of the terms are completed each year.

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# Board of Adjustment:

Council Member Tudor nominated Franklin Galloway and Council Member Epps passed until January. Mayor Price stated that the nominee from the ETJ was Samuel W. Gilbert. Council Member Vestal nominated Randall Sexton.

# **Community Appearance Commission:**

Council Member Reynolds passed his nomination until January and Council Member Vestal nominated Barbara Janney. Council Members Myott and Epps passed until January.

# **Historic Preservation Commission:**

Council Member Reynolds passed until January and Council Member Tudor nominated Jean Harrington.

# Planning Board:

Council Members Reynolds and Myott passed until January. Council Member Vestal nominated Jack Brinkley and Council Member Gover nominated Stephen D. Cochran.

# Tree Board:

Council Member Vestal nominated Darlene Vestal and Council Member Grogan passed until January. Council Member Gover nominated Jeanette Bowling and Mayor Price nominated Jane Lloyd.

A motion was made by Council Member Grogan seconded by Council Member Myott to approve the above nominations. All Council Members voted in favor of this motion. This motion carried.

(b) Consideration of dedication for streets, water, sanitary sewer, and storm drainage for The Meadows, Phase I.

The memorandum explained that the City Engineer has reviewed the project and recommended acceptance of the water, sewer, streets and storm drainage facilities. Mr. Stanley has given his approval with the condition that all financial documents be received by the Planning and Finance Departments.

Council Member Gover expressed concern about low pressure.

Mr. Stanley replied that he had heard of reports of low water pressure and Mr. Sexton could confirm it. He stated that the Fire Department did fire flow tests out there. The water system

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was adequate and it met State standards. He noted that there was an overall problem with water pulsing at times throughout the city, but that was not related to anything in the subdivision.

Council Member Gover also questioned the sloping curve and it that was something new to which Mr. Stanley replied that it had been accepted since before he came aboard.

Mayor Price noted that they use them at Lawson Cemetery.

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

(c) Consideration of appointive powers of the Mayor.

Council Member Tudor explained that he did not dare imply that the Mayor did not have enough to keep him busy, but he wanted to make a motion that they give appointment powers for all adhoc and emergency committees to the Mayor. Council Member Reynolds seconded this motion.

Council Member Tudor noted that the Mayor would consult with the Council as to who he would appoint to those committees.

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

Mayor Price nominated the following Council Members and citizens:

Cable TV Advisory Committee:

Council Member Epps – Chairman and Council Member Reynolds.

**Street Committee:** 

Council Member Reynolds – Chairman and Council Members Epps and Tudor.

Council of Governments:

Council Member Grogan as delegate.

Finance Committee:

Council Member Grogan, Chairman, Council Member Gover, Mr. John Hodges and Mrs. Mary Hill Bishopric.

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Solid Waste Committee:

Council Member Myott, Chairwoman, Council Member Gover, Mr. Homer Wood and Mr. Niland Dillon.

Chamber Liaison:

Council Member Grogan.

Piedmont Triad Foundation:

Council Member Myott.

Dan River Water Committee:

Council Member Tudor, Chairman, and Council Member Vestal.

Accident & Safety Committee:

Council Member Gover, Chairman, and Council Member Vestal.

A motion was made by Council Member Vestal seconded by Council Member Gover to approve the above committees. All Council Members voted in favor of this motion. This motion carried.

(d) Consideration of naming the City Park.

The memorandum explained that with the events that occurred on September 11 and thereafter, it gives Eden a unique opportunity to show pride in our country. The Park Committee recommended that the City of Eden create a "special name" for the new Eden City Park.

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

# CONSENT AGENDA:

(a) Approval and adoption of minutes – November 13 and 18, 2001.

A motion was made by Council Member Grogan seconded by Council Member Tudor to approve the Consent Agenda. All Council Members voted in favor of this motion. This motion carried.

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# ORDINANCES AND RESOLUTIONS:

(a) Adoption of Resolution Supporting Rockingham County's Highway Priorities of Inclusion in the Transportation Improvement Program of the State of NC.

# RESOLUTION SUPPORTING ROCKINGHAM COUNTY'S HIGHWAY PRIORITIES OF INCLUSION IN THE TRANSPORTATION IMPROVEMENT PROGRAM OF THE STATE OF NORTH CAROLINA

WHEREAS, the State of North Carolina Department of Transportation has requested public officials to submit preferences as to priorities to be scheduled in the Transportation Improvement Program; and

WHEREAS, Rockingham County is geographically the largest county in Division 7 with nearly 600 square miles; and

WHEREAS, the primary concerns of local officials regarding transportation are first, the safety of our citizens using state and federal highways, and; second, the adequacy of the roads which connect local areas to each other and to the region to accommodate existing and future demands, and; third, the opportunity to share in the economic prosperity of the region by improving the quality of the county's major routes, and;

WHEREAS, the Transportation Committee and the Rockingham County Board of Commissioners believes that a good highway system is vital to the mutual benefit of all the citizens of Rockingham County.

NOW THEREFORE, BE IT RESOLVED, that the Eden City Council go on record as endorsing and recommending to the North Carolina Department of Transportation the published priorities for inclusion in the upcoming Transportation Improvement Program with the following alterations, and additions:

### **CRITICAL NEEDS**

- R-1033 Move up the schedule for the continuation and final phase of NC 135 to coincide with the completion of the current phase of construction.
- <u>U-3326</u> Set and fund all construction dollars for the widening of US 29 Business (Freeway Drive).
- Reaffirm support for the widening of NC 14 from Meadow Road in Eden to US 220 in Virginia.

### PRIORITY REQUESTS

- <u>B-3368</u> Move up the schedule for replacement of Bridge No. 45 on NC 87 in Eden. Listed as the NC 87 realignment in the Eden Thoroughfare plan, which includes realigning this road with Hamilton Street.
- R-2413 Set and fund construction for widening multi-lane connector, on new location from NC 68 to US 220 and Multi-lane US 220 to NC 68.
- Reaffirm support for the widening of NC 87 from Reidsville to Burlington.

### SAFETY CONCERNS

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- B-4622 Move up the schedule for the replacement of Bridge No. 54 on NC 65 @ Rock House Creek.
- <u>B-4252</u> Aligning of Island Drive (SR1169) with Lindsey Bridge Road (SR 1138) during reconstruction of Bridge No. 95 and Bridge No. 67 in Madison.

## Feasibility Studies for:

- Harrington Highway Extensions: North to Westerly Park Road and East to Quesinberry Road.
- Realigning of Chief Martin Road and Piedmont Drive and extending it to Island Drive in Madison.
- Stop Light feasibility study for intersection of Hwy 311 and Island Drive.

ADOPTED AND EFFECTIVE THE 18TH DAY OF DECEMBER, 2001.

	Philip K. Price, Mayor
ATTEST:	
Kim J. Scott, City Clerk	

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

(b) Adoption of an ordinance closing an unopened portion of an unopened street adjacent to Union Street. STREET CLOSING SC-00-02.

A motion was made by Council Member Myott seconded by Council Member Tudor to approve the adoption of the ordinance. All Council Members voted in favor of this motion. This motion carried.

(c) Adoption of an ordinance for a one way street South, from Washington Street to Burton Street.

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

# **VOUCHERS:**

There was no discussion on vouchers.

# ADJOURNMENT:

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

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	Respectfully submitted,
ATTEST:	Kim J. Scott, CMC City Clerk
Philip K. Price Mayor	