

CITY OF EDEN, N.C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, July 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:

The invocation was given by Council Member Garry Tudor.

PROCLAMATION:

Mayor Price asked Fire Chief Ronnie Overby and Mr. Benny Sexton to come forward. He then read the following proclamation in observance of the Eden Fire Department's "Fill the Boot Days" to raise money for Muscular Dystrophy.

PROCLAMATION

WHEREAS, the Eden Fire Department will be working with the Muscular Dystrophy Association in their fight against neuromuscular disease; and,

WHEREAS, the Eden Fire Department will spend many hours collecting money on the streets for the MDA "Fill the Boot" campaign; and,

WHEREAS, Firefighters locally and nationally are the largest contributor to the MDA, collecting more than 14 million dollars in 2000 to help fight the forty-three neuromuscular diseases associated with the MDA.

THEREFORE, I, Phil Price, Mayor of Eden, and on behalf of the City of Eden, do hereby proclaim August 1, 2001 through August 31, 2001 as:

EDEN FIRE DEPARTMENT
"FILL THE BOOT DAYS"

PUBLIC HEARINGS:

There were no public hearings scheduled.

REQUESTS AND PETITIONS OF CITIZENS:

Mr. Bobby Stratton addressed Council regarding a water quality problem:

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Mr. Bobby Stratton, 1214 Forest Road, explained that he had a filter on his water system. He then presented the Council with a filter that contained mud; two weeks after the city dug up the street to repair water mains.

Council Member Tudor asked if this filter was under his sink or from a line that comes directly into his house to which Mr. Stratton replied that it was the line that came directly into his house.

Mayor Price asked if anyone had any comments and noted that the filter would be sent to the Public Works Department who would be providing the Council with an explanation as to what happened.

Mr. Mike Edwards addressed Council regarding ordinance:

Mr. Mike Edwards, Scooter's Garage, explained that he wanted to know why his fence was not passed by Code Enforcement.

Mrs. Kelly Stultz, Director of Planning & Inspections, explained that the Council passed an amendment to the zoning ordinance concerning automobile towing and temporary storage last December. At that time they declared a six-month moratorium on enforcement so that they could give all the folks involved plenty of time to come into compliance. She suspected that Mr. Edwards was referring to the section of the ordinance that says: "The temporary storage areas shall be enclosed on all sides by a visual screen, a minimum of six feet in height, the screen shall be opaque and shall consist of a masonry or stone wall, a solid wood fence constructed of pressure treated wood, or a chain length fence with panel inserts. All overnight storage of junk, wrecked or inoperable motor vehicles shall be behind the front building line of the principal structure. No car bodies or other materials not normally used for fencing shall be permitted."

She stated that she had been going around and taking a look at where they were and sending some information to the towing operators as the time for the deadline approached. In early May, when they had sixty (60) days left, they sent a letter telling them that the time limit had come in. She stated that if she was not mistaken, he had used what appeared to be tin or aluminum panels. She asked if it was some kind of roofing material.

Mr. Edwards replied that it was side panels.

Mrs. Stultz commented that in her opinion that was not material normally used for fencing, it was reflective.

Council Member Gover asked if Mr. Edwards received a copy of the information to which she replied that he did.

Council Member Reynolds commented that it was kind of nit picky. He explained that he had looked at it and could not see through it.

Mr. Edwards offered to paint it. He stated that he got the letter in May, but of course the meeting was in December.

Council Member Janney asked where his business was located to which Mr. Edwards replied it was on Fieldcrest Road.

Mrs. Stultz stated that her understanding of what the Council had passed was that this was not normal fencing material and would not apply. She added that obviously it was the Council's ordinance and they could handle it in whatever way they deemed appropriate, but they might need to consult with the city's attorney to change the wording of the ordinance.

Council Member Janney asked if he was in the towing business too to which Mr. Edwards replied that he was.

Mayor Price asked again what type of material he had used.

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Mr. Edwards replied that it was the same type of material you see on galvanized buildings and Council Member Gover added that it was a type of corrugated roofing material.

Council Member Janney recalled that when they discussed this thing, he thought the intent was to hide the cars and not have an eyesore down there.

Mr. Edwards added that he did not do it because it was cheap, because it was not cheap.

Council Member Grogan commented that Mrs. Stultz showed the Council what she had recommended and that was what they passed.

Council Member Janney agreed that was true and nothing else was mentioned anything other than what she said.

Mrs. Stultz explained that it never occurred to her that somebody would use something other than what they normally would see for fencing and that was why she put that in there. The only issues she saw when she was doing research on it, there was one particular business owner, out in the western part of the country who when told to put up a 10' opaque fence used crushed car bodies and they were certainly opaque and 10' tall. The copies of ordinances they managed to get in the State had one in there similar to this. She stated that if the Council wanted to nail it down a little further she could go back and look at it and bring something back to them.

Mayor Price stated that it sounded like the reasonable thing to do. He noted that Mr. Edwards had spent some money on this thing. He asked if she could give them a report as to what her opinion was and if the ordinance could be modified to accept this type of thing.

Mrs. Stultz replied that as the planner, she did think they also needed to give care that they did not make it so lenient that they ended up with things that they were not satisfied with too.

Mayor Price agreed and they certainly wanted it to do the job, however the issue here was the type of material being used, not whether they could see around it or over it or anything like that.

Mrs. Stultz also agreed but stated that the material was not normal fencing material.

Council Member Tudor asked if Mrs. Stultz or Council Member Reynolds would be of the opinion that his intent was to put up a proper opaque fence

Mrs. Stultz replied that she did not think Mr. Edwards had any intention of doing it to violate the ordinance.

A motion was made by Council Member Gover seconded by Council Member Reynolds that the Planning Director come back to the Council with a recommendation after consulting with the City Attorney. All Council Members voted in favor of this motion. This motion carried.

Mr. Deedle Walker, Walker's Wheel Alignment and Towing explained that he had to put up a high dollar fence and most of the wrecker people could not afford to do that. He added that they also had to buy high dollar insurance and he could not afford that either. He explained that they tow the junk off the road for the City and the State police and they did not get paid for it. He stated that nobody wanted it and the junkyards did not want it.

Mr. Walker stated that they should also get paid for towing this stuff because they save the City and the County a lot of money or they would have to tow it and buy a storage license to do it. He noted that if something was worth a little something, they had to go through an act of congress because they could not even get the titles for those cars. He explained that when they go out and tow a car that had no tags on it, it was towed for free. He stated that he had a high dollar truck to tow those vehicles, he had to have a high dollar place to work out of and then the Council decided that they need to put up a high dollar fence to protect those people they tow the cars for so they could not see their junk sitting behind his fence. He stated that he did not think it was right.

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Council Member Gover asked if the city's insurance was any different from the insurance the State required.

Mr. Walker replied that it was not different but it was still outrageously high. He stated that he had the insurance but a lot of them could not afford it and he could not afford it. He stated that if he really figured what he was making he would probably sell out everything because he was probably not making anything. He stated that when they could not get titles, they had to get lawyers and go to court. He stated that they had to light the fence and buy garage keepers insurance to take care of what that junk property and he got nothing. The junkyards did not want it and he had to give the stuff away. He stated that he thought they needed help instead of just deciding what they could do to beautify Eden.

Council Member Janney asked if they did pay those people, when they asked them to tow a vehicle off the side of the road to which Mr. Walker replied that they did not get anything.

Mrs. Stultz explained that the junk cars being picked up that her department dealt with, there was a separate contract. She stated that she did not know the answer to how it worked with the ones the Police Department has picked up.

Mayor Price stated that the question was, were they being paid for picking up junk cars.

Mrs. Stultz replied that Mr. Walker had not been involved in the contract and he was not interested in it. She explained that a value was exchanged with that based on the contract Mr. Nooe drafted several years ago.

Mr. Walker added that he could not afford to tow those cars and fill up his lot for nothing and then what they would get paid, they make those people mad going out there and getting the cars out of their yard, he did not want any part of that.

Mayor Price asked which ones he was referring to and if they were wrecks.

Mr. Walker replied yes, if he went out there and got a wrecked vehicle and the tag was off and if they did not have collision insurance, he was stuck with it. He explained that junkyards did not want them. He stated that he gave away about 8 the other day. He added that one of his (tow) trucks cost him \$60,000 and he did not make any money off of it.

Mr. Nooe asked Mr. Walker if he was under the impression that the ordinance required him, if he were called, to pick them up.

Mr. Walker replied that he had signed up to tow for the city, the State Police and the Sheriff's Department. He explained that when they called him he had to tow whatever they had or they kicked him off the list.

Mr. Nooe stated that he knew he did not have to tow, but his problem was he would be penalized for a profitable business because he would get no calls. He asked if that was what he was saying.

Mr. Walker replied that if he did not tow the junk cars that were without tags, then they kicked him off the wrecker list. He stated that it was the same for all three, the State, the County and the City.

Mr. Nooe asked Mr. Walker to explain to the Council what difference that made if he was not making any money.

Mr. Walker replied that it probably did not make a difference and he should probably sell out because he was not making any money.

Council Member Janney commented that he thought what Mr. Walker was saying, it was clear that he was getting paid for some of those vehicles but if he did not tow the ones that he was not being paid for, he would not get a chance at any of the rest.

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Mr. Walker agreed that he was correct.

Council Member Janney stated that he did not understand why the city would not pay him for everything he towed for the city whether it had a tag or not.

Mr. Walker stated that if he received a call from the city, like the city garage, he did get paid for that. He added that he was not even charging for that, but he did not like towing the junk and somebody should be paying it because he could not afford it.

Council Member Rorrer asked if he understood correctly, the only thing Mr. Walker was towing for the city was the same thing he was towing for the Highway Patrol, stuff off the highway.

Mr. Walker replied yes and also the Sheriff's Department. He added that if he did not tow he did not get another call.

Council Member Grogan asked if he owned those vehicles when he pulled them in.

Mr. Walker replied yes and they were not worth anything. He stated that he gave them away to get somebody to come and get them out of his place. He noted that the junkyard did not want them as the junk prices were down.

Council Member Gover asked if the city did not have a second phase in the working on handling junk cars.

Mrs. Stultz replied that the Planning Board was working on that. She stated that they planned to address junk vehicles next winter. She explained that what Mr. Walker was talking about, when the Police Department dispatches them to come and get a vehicle and he goes out, if it happens to be something that was not worth very much, it had no tags or the person did not have insurance, when he tows it he was stuck with it. She explained that if the Police Department called him and he picked up a vehicle and the person had insurance, then he would get paid. She explained that the kind of junk vehicles that Council Member Gover was talking about was a different issue than those coming from the Police Department.

Mayor Price asked if he was talking about somebody whose car breaks down and they just abandon it.

Mr. Walker replied yes and also when he went out and the tags were not on the car, it was his car. If they were going to come and pick it up from him then they will leave the tags on it.

Mayor Price asked if he was talking about somebody who was going down the road, the car blew up or whatever and they abandon it.

Mr. Walker replied yes, he was not towing for this because he could not afford to fill up his lot with those things.

Mayor Price asked if he was really talking about 2 different things, he was not talking about wrecks...to which Mr. Walker explained that some of the wrecks, if they did not have collision insurance and only had liability, he was stuck with those too, but he had to take a chance on some of them.

Council Member Gover asked if he was paid by the insurance company...to which Mr. Walker replied that if the people have collision insurance, then they come and pay him and pick the vehicle up. Council Member Gover asked how or what the city was paying to which Mr. Walker replied that they were not paying him anything.

Mayor Price commented that obviously this could not be resolved. He stated that he thought that the City Manager had a clear idea of what they were talking about. He suggested that the City Manager take this information and give the Council some type of idea by it.

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Mr. Walker added that if they could some way get some help, such as getting titles without an act of congress.

Council Member Tudor asked if he could give a number of how many cars on an average for the year, he picked up and did not get paid for.

Mr. Walker replied that it was probably about 20 to 30%, and that was a lot.

Council Member Grogan asked if that was 30% of a 100% to which Mr. Walker replied yes.

Mayor Price asked that out of 100 cars that he picked up in a year, 30% would not be paid to which Mr. Walker replied yes. Mayor Price asked if that was true for all the tow operators.

Council Member Tudor asked if he was of the opinion that he should not have to put up an opaque fence.

Mr. Walker replied no, he had put up the fence that he could not afford. He added that his lawyer had told him that he probably would not have had to do that because he was grandfathered, but he went ahead and put it up for about \$2500. He explained that he tried to comply and he knew it beautified Eden.

Council Member Gover stated that this was certainly something to look into on their second phase because it was dealing indirectly with what he was talking about.

Council Member Grogan asked if he received a majority of cars or did he get a third or...to which Mr. Walker replied that there were about nine on the wrecker list for the city and he received his percentage, maybe one a week.

Council Member Grogan asked that if he received 100 a year and there were four other tow operators, that meant he had 400 wrecked cars in the town.

Mr. Walker replied that there were a lot of wrecks.

Council Member Myott added that he was also talking about the Sheriff's Department and Highway Patrol, which the city would not be in control over that.

Mr. Walker agreed not for those. He stated that they should have a way to pay them too. He stated that if they did not tow them then they would have to make arrangements to get them off the highway.

Council Member Grogan continued and asked that for that 100, was that all in Eden or was that the total for the County, the State.... to which Mr. Walker replied probably 20 or 30% and he thought that was the same with the other wrecker people. Council Member Grogan asked how many out of that 100 were in Eden.

Mr. Walker replied that he would probably get a few more from the State than he got from the City. He stated that he received about 40% from the City and they were normally from right around here.

Mayor Price closed the conversation by asking the City Manager to investigate the situation.

INTRODUCTION:

Mayor Price took a moment to introduce the city's new Director of Finance and Human Resources, Mrs. Lori Ford and explained that Mrs. Ford is a native of Eden.

UNFINISHED BUSINESS:

- (a) Consideration of Right of First Refusal on Lands Owned by Whitt Family Farms Limited Partnership.

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The information presented to Council was a copy of a proposed Right of First Refusal document by and between Whitt Family Farms Limited Partnership and the City of Eden.

Mr. Charles Nooe, City Attorney, and the City Manager, Brad Corcoran, were given copies of this document on Tuesday, July 9th. Mr. Don Moss, Director of Rockingham County EDC has requested that this item be placed on the Council's agenda for consideration during the meeting on Tuesday, July 17th, 2001.

A motion was made by Council Member Grogan seconded by Council Member Tudor for approval. Council Members Grogan, Tudor, Reynolds and Myott voted in favor of this motion. Council Members Gover, Rorrer and Janney voted in opposition. This motion carried.

(b) Consideration of traffic calming/preliminary – Highland Drive and Park Avenue.

The memorandum presented to Council explained that at their May 26, 2001 regular meeting the Planning Board began its discussion and review of Traffic Calming issues in our community in general and those of Highland Drive and Park Avenue in particular. Residents from those areas were present and participated in the discussion. Additionally, Officer Tommy Griffin of the Eden Police Department was present at the meeting and answered questions of both the residents and board members.

The Planning Board discussed options to encourage traffic calming that included not only speed humps but other measures including painting center lines and lanes on the streets, additional signage and increased enforcement and patrol by the Police Department.

After a lengthy discussion and a presentation from staff, the Planning Board voted to recommend that the City Council consider the following:

1. Development of a Plan for Traffic Calming, policies for inclusion in the program, and application. The Board plans to bring a recommendation back to the City Council.
2. Enact a pilot program on Highland Drive and Park Avenue. Have the Police Department do a traffic study on both streets before any measures are taken and report speed, tickets given, and any accidents.
 - A. Park Avenue:
Paint a center line and travel lanes on Park Avenue. Thirty days after these measures are installed do another traffic study. Then install two speed humps on Park Avenue according to Officer Griffin's recommendation. Also install signs warning motorists of the humps.
 - B. Highland Drive:
Install two speed humps and the signs according to a recommendation from the Eden Police Department.

Mrs. Stultz explained that there was much discussion at the last meeting of Council. She explained that there were several folks from those neighborhoods at the Planning Board meeting. She stated that they discussed various options to discourage traffic calming that not only discouraged speed humps but other measures including painting centerlines, lanes on streets, additional signage and increased patrol by the Police Department.

She explained that one thing that they knew was that over the last 50 or 60 years, the way they designed the streets, that has impacted how cars travel over them. She stated that one thing that was decided was that it was too complicated an issue for the Planning Board to send out a complete recommendation to the Council.

She stated that one thing they knew other communities were doing was that they had a policy in place that dealt with how a various neighborhood might request consideration for some of those devices, what the requirements might be, an application process, where the funding would come from and those kinds of things. She stated that she was currently working on getting that to the Planning Board for their August meeting. One of the things they did want to do, in order to side how to make a recommendation to the Council was to consider a pilot program for two streets that have had a particular amount of attention. If the Council decided to do any of those things, one thing they did ask was that they call it a pilot program and let everyone know that a real or proposed program would be coming to them at some point so that they could handle this with just those areas. One of the things they were recommending was that they develop a plan for traffic calming in their community and the policies for inclusion into the program and an application process. She explained that they would like to ask the Council to enact a pilot program on Highland Drive and Park Avenue and to have the Police Department do a traffic study on both streets before anything was done.

She noted that for Park Avenue they had suggested that a centerline be painted and also travel lanes. She stated that after thirty days, the police could conduct another study. That way they

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could see if those things had helped lower the speed on that street. She noted that it was very wide and had curb and gutter. It had no center lining except in the curves. She added that one thing they had seen was that simply painting the lines and giving people a travel area, she realized that on this street and on Front Street, people travel in the middle of the street. She stated that if they should decide to do that, once they received the studies and see if there were any changes, then they would consider two speed humps.

She noted that there was a lot of discussion on Highland Drive. She stated that this particular street was narrow. She stated that other than the centerline, they did not feel like the laning would make any difference on this particular street. She stated that she recommended that if the Council chose to do something as the pilot program that two speed humps be installed.

She stated that she had discussed painting the lines with the Public Works staff. She noted that Mr. Shipwash (Street Superintendent) informed her that it was approximately thirty cents a foot.

Council Member Rorrer asked that if she was talking about three lines that would be ninety cents a foot to which Mrs. Stultz replied in the affirmative.

Mrs. Stultz explained that she checked on prices for the speed humps made from recycled material and she spoke with the person taking care of those things for the City of Reidsville. She noted that she had also received a quote from Recycled Technology, which was for four (4) 30' blacktop mounted humps. That would be \$15,600 and an alternate with four- (14) 28' blacktop mounted speed humps for \$14,560. She noted that the advantages were that they could be moved. She recommended that if the Council chose to try it, that they have the asphalt ones installed and hire somebody to do it or as the City of Reidsville did, they paid somebody to do one, watched them, and then their folks did it. She stated that the best estimate that she could get on that was about \$2500 a piece. She noted that was including city labor. She explained that out of cost would be a little different if city staff was able to do it.

She stated that this was an issue that she did not think was a single one. It was also not one that could be completely resolved overnight. She stated that once they began discussing it at this level, their department began getting calls from all kinds of places around the community, so they knew that this was one of those things that should the Council decide to venture into, they would have to give great care as to how they would do it. They would need to ensure that they did it fairly and that they would deal with the physical impact of such a program.

She stated that she had talked with the City Engineer and he called the folks who deal with the Powell Bill. They indicated that it might be possible to pay for the speed humps out of Powell Bill funds if the Council should decide to do this.

Council Member Rorrer commented that Mrs. Stultz had said that Mr. Griffin recommended two speed humps for Park Avenue. He stated that they needed that piece of paper. He added that he had some papers from Mr. Griffin, but he had not recommended speed humps.

Mrs. Stultz replied that he did recommend that at the Planning Board meeting.

Council Member Rorrer replied that was not in the information that he received.

Mayor Price asked if she had used any reference to any communities while they were working on a policy.

Mrs. Stultz replied that she was working with the Planning Board and they were using some documents that other communities have used. She stated that if the Board wanted to take a look at it, obviously once they were close to what they want, they would need the City Attorney to review it and then bring it to the Council. She added that she realized that was no indication that the Council was making a commitment to do anything. She explained that she just felt that was the directive that she received and the Planning Board did not feel comfortable recommending anything without some guidelines.

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Council Member Janney commented that he was out of step with this whole program. He stated that he could not believe they were going to this extent to control something that they had a Police Department for. He agreed that they needed lines down the middle of their street and he had no problem with that. He pointed out that they have lowered speed limits and it would be unreal to just know the numbers of streets in the last four years where they have lowered the speed limits down. He stated that when he went into a residential area, he never saw that much speeding, but on the other hand he never saw many patrol cars out there either. He stated that he did not understand why they were even considering putting speed humps or bumps all over town when the speed had already been lowered and they were not enacting what they already have. He pointed out that one could hardly get from one end of town to the other during their lunch break because they have lowered the speed limits so much. He stated that he could name one street, which was a State maintained street and not a City street where he saw all kinds of people speeding up and down that street, including some of the people who were supposed to be enforcing the law. He stated that he could not believe they did not patrol the neighborhoods and get this thing under control.

Council Member Gover asked if they have studied the noise created with those speed bumps. He stated that he had received complaints about bumps where they have dug water or sewer lines across the road. He stated that vehicles bumping across those were keeping people up at night. He mentioned that he had currently received a complaint where the vibration (from where a sewer line was dug) resonates down into this lady's house and vibrates the plates off the shelf. He questioned if they would be doing the same thing (with the speed humps). He questioned buses crossing the speed hump on Highland Drive.

Council Member Tudor stated that he liked the idea of a pilot program as they develop a plan for traffic calming. He noted that it might not result in speed humps but it was a nice start

Mrs. Stultz noted that the Planning Board has not seen the minutes that the Council received. She explained that they were not ready to send them out, they were not approved and they were very rough draft. She noted that their discussion was very similar to the questions that the Council had raised and noise was one of them. She explained that she thought that was why they wanted to recommend the pilot program so that if they were not helping and were noisy, the City would not have to invest so much money in them and they could be removed.

Council Member Tudor added that as they have a pilot program they could use that program to establish guidelines for the future and they may find out that they simply need to do a better job of marking their streets so that speed humps may not be necessary.

Mrs. Stultz stated that she did not know if she could answer the question about noise but she did know they received complaints about noise on the streets and she thought that was one reason most communities who decide to take this on, require a petition with a certain percentage of the residents that were impacted before one could be put in place.

Council Member Gover commented that Park Avenue was unusually wide.

Council Member Rorrer referred to marking the street and pointed out that there were cars parked on both sides of the street. He stated that if they put a centerline in the street, the cars would have to stay to the left or the right. That would be more dangerous for children playing because people would not be able to see them. He pointed out that it was safer for somebody to go up the middle of the road than it was the side of the road.

Mrs. Stultz added that one of the situations that Council Member Rorrer described, in some communities, one of the things that the neighbors did was to get together and encourage everyone to park on the street. She referred to Patrick Street and how narrow it was. She pointed out that there was a lot of parking on the side and people were forced to ease down through there. She added that she was not advocating that everyone park a bunch of cars along the street, but it was simply the fact that people were doing that and it did serve some purpose for traffic calming. She also added that the centerline had worked in some areas but it may not be perfect for Park Avenue.

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Council Member Rorrer stated that if they put a line there, they were probably going to cite someone for blocking a traveled lane as it was now. He stated that there were two vehicles that were on the side almost across from each other. He stated that they came through the curve right in the center of the line and if they were going to do that, what good was a line in the road. He pointed out that they have a 25 mile an hour speed limit, people did not pay any attention to that and they did not pay any attention to some of the patrol cars sitting there. He added that according to the paper he just read they (Police) have gone a good ways to try to stop quite a few there.

Mr. Fred Rorrer, 655 Park Avenue, explained that he had been there about 34 years and he grew up on Park Avenue. He stated that he had two children. He stated that he was not denying that there were people who speed up and down that road, just like 99% of the other streets in Eden. He stated that he had seen a marked improvement since cruisers had been checking speed. He stated that he was opposed to any obstruction in the road. He stated that he got enough noise with people coming up and down the hill. He pointed out that he lived in the curve right where Ayden Road and Park Avenue meet. He explained that he got a lot of noise where people accelerate and de-accelerate. If they put a speed hump anywhere in that area he was going to hear even more noise. The other thing about the line, if they put a centerline in this road, they were really going to have a chance of hitting someone's automobile, or somebody opening a door, or a child comes out, people pretty much get in the middle to avoid all of this. If they put a centerline and the patrol car was there, they were going to cite a lot of people for crossing that center. He stated that he was all for the study and he thought it was great that the city was investigating the time and effort to do this, but he was really opposed to any obstruction in the road or a centerline. He stated that he thought it was great that they were looking into to it, but he did think there were also problems on other roads. He noted that Park Road was narrow and when he jogged he was running almost in the ditch to keep from being run over. He noted that he went up Morgan Road and it was very dangerous with a lot of speeders. He suggested that the Council Members ride over to Park Avenue. It was down hill, the speed limit was 25 mph, and you pretty much have to be off your accelerator to maintain 25 mph, and if you get on the gas any at all you will be speeding. He asked them to consider that if they lived on that street if they would want a couple of speed humps that they would have to cross 4 or 6 times a day.

Mayor Price referred to the plan, the request of the Council was to enact a pilot program. He asked Mrs. Stultz to explain what that was.

Mrs. Stultz explained that they would have the Police Department do a traffic study on both streets and she understood that one had been done on Park Avenue. She explained that the Police would provide the Planning Board with a record of speeds taken and to see if there have been any accidents in those areas. She noted that for Park Avenue they wanted to try painting the lines first, then after the study, once that had been done, have the Police look at it again and see if that improved the speeding issue. After that, if there was still a problem there, they would install two speed humps. For Highland Drive, because of the narrowness of the road and because it was a school zone, they felt that it would be best to install two humps. Should the Council choose to do a pilot program, they could do it now. She added that she and the Planning Board both felt that the Council was expecting something from them this night and this was as far as they felt comfortable going at this point.

Council Member Rorrer commented that regardless of the outcome, he would assume that the Police would still monitor the traffic in this area. He stated that he hoped people realized that if the lines were put there, if they crossed those lines they were going to get a ticket. He also asked if anyone had talked to the City Attorney about those speed humps and if the city would have a liability if they caused a wreck, even if someone was speeding.

Mr. Nooe stated that in his opinion they were legal but from a liability standpoint, surely they would not let the city street department go out there and put the hump in. He stated that the City Engineer was going to have to get some firm with the credential to certify that it was not a traffic hazard because somebody was going to have an accident. He stated that was the wise thing to do. They would have it designed by traffic experts because obviously at night when you hit one at 25 miles per hour, if it was not properly designed you might lose control of your motorcycle or

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automobile. He added that mostly where he had seen them the speed had been lowered to 15 miles an hour because of the possibility of damaging the underside of a vehicle.

Council Member Reynolds stated that he did not see how a white line down the road was going to keep someone from speeding.

Mayor Price commented to Mrs. Stultz that she had a good report. He asked if the one side or two sides parking, that type of thing was that evaluated or discussed at all.

Mrs. Stultz explained that there were a lot of things that communities were using when new streets were designed or when wholesale revisions of existing streets come in to place. One of the things, chicanes were done a lot, or pavement changes, those kinds of things where there were islands. She stated that the Planning Board felt that the Council was ready for a pilot program to spend those kinds of bucks that it would require. She stated that should the Council decide that traffic calming was a big issue, one of the things that the Planning Board was likely to recommend was that they make changes in how streets were designed in new subdivisions. She noted that there were some other things other than humps that could be done, especially when a new street was being constructed. She noted that if they take a look at the street that was going in on Meadow Road, the way that street was designed, those blocks were in rectangles, and that was one design that was done to hold traffic speed down in that neighborhood. She added that was not something that she thought they have at this point and this early in the game as an option for either Highland or Park, but at some point there may be some places that they would want to put small islands in there.

Council Member Grogan suggested that later in the business there was another traffic consideration, which involved one of the schools and it was a similar type issue. He stated that he thought that the appropriate thing to do would be to look at that and do that one traffic hump and let that be the study, with of course getting Engineering to make sure that hump was done correctly, but let that be the study until they come up with some type of remedy. He stated that he agreed somewhat with Mr. Janney in that every street in this town had gone from 35 to 25, and when this was done, they have to have perimeter, because every street in town, would want a street hump, "so and so has got one", etc.

Council Member Tudor pointed out that the recommendation from the Planning Board was to do a traffic calming study... to which Council Member Grogan replied that he understood that, but he did not see anything from the Police as far as their recommendation, but he did see one with a recommendation as far as Givens Street.

Mrs. Stultz explained that Givens Street was not a street that was brought to the Planning Board's attention and it was not something that was in her sphere of vision at the time this went to the Planning Board. She stated that she thought there was merit to consider that simply because, if they were going to do it, because there were so many children in that area, if the Council would like for this to go to the Planning Board one more time, it would be August before they would meet again.

Council Member Rorrer commented that in all due respect to the Planning Board, the minutes were lacking a lot of information. He noted that if they read them the way the motions were, the confusion was, the way that he read them, he did not generally see this kind of confusion in the minutes that he read into these. He stated that he thought they needed to be better informed.

Mrs. Stultz explained that the Council had only received a rough draft of the minutes.

Mayor Price pointed out that he had asked Mrs. Stultz to send them out so that the Council could see the background information and this was a very important issue. He stated that she mentioned new construction and he certainly agreed, but there was no Councilman there, or the ones in the last 2 or 3 years, who have not heard complaints from all areas of town about the high rate of speed, lack of care that was shown toward pedestrians, particularly children, and it was a problem. It was something that the Planning Board and the Council were going to have to deal with in a reasonable fashion. He stated that he said reasonable because it had to be done so that everybody understood all the perimeters involved. They knew they have this problem and traffic

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calming should be in big letters on every board agenda. He stated that it was just like those good folks said the other night, they did not need a fatality or some type of problem because of ignoring this. He stated that nobody was ignoring it. They wanted to do the best thing for the community and he hoped that the Council and Planning Board as well would continue to keep this on their agenda.

Council Member Myott clarified that Givens Street was not comparable to what they were talking about. She explained that Givens Street was a back street, it was one-way and very narrow. People use it as a short cut from Center Church Road to Price Street and parents drop their children off back there in the morning and pick them up in the afternoon. She stated that the playground was located across Givens Street so that about 500 children go over there to play each day. They have a crosswalk painted, but that does not slow the speeding. She stated that she had seen it herself. She stated that they have tried keeping a patrolman down there. They have reduced the speed and painted the crosswalk and it still does not work. She stated that according to Sergeant Griffin, he did recommend a speed hump. The speed hump would not be wide, as it was a narrow road. There would be no lines and the speed hump would be up near the cafeteria, before you get to the crosswalk. She stated that she did not think this needed to be delayed.

Council Member Rorrer questioned if Givens Street was on the agenda for later was it not to which Council Member Tudor replied yes, it was agenda item 6(b).

A motion was made by Council Member Tudor to approve the Planning Board's recommendation. This motion died for lack of a second.

(c) Consideration of recommendation to award bid for installation of picnic shelter at new park.

After contacting several building contractors regarding installing the Picnic Shelter at the Eden Municipal Park, the Park Committee would like to recommend Paul Evans Construction Company at the cost of \$7,860.00. The following quotes were received:

Paul Evans Construction Company - \$7,860.00
IFT, Inc. - \$9,525.00
C.J. MacIsaac - \$11,900.00
Associated Industrial Contractors, Inc. - \$13,845.00

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

(d) Consideration of amendment to Performance Agreement between Local Officials and Gildan Activewear, Inc.

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

(e) Consideration of Traffic Study – Givens Street.

The memorandum presented to Council explained that Council Member Myott had recently requested a traffic study to create some type of speed reduction on Givens Street near Douglass Elementary School. The school is in the process of moving the kindergarten playground to the rear part of the school, due to random gunshots in a nearby drug area. The city has already developed a twenty-five mile per hour speed zone. In addition, Givens Street has become a thruway over to Price Street from Center Church Road. Sergeant Griffin recommended that the city establish a speed hump to create slower vehicle speeds.

Council Member Rorrer stated that he agreed with Council Member Myott, that this was altogether a different ballgame. It was nothing in comparison to the others, but they did need to be sure that it is done as Mr. Mayor said.

Council Member Grogan stated that was the point he was making to which Council Member Rorrer agreed but he was just getting his point of view out there too.

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Mayor Price asked if they would like to make this a pilot project then to which Council Member Grogan replied in the affirmative.

A motion was made by Council Member Grogan seconded by Council Member Myott to approve this request.

Mr. Benny Sexton, Municipal Services Director, commented that he attended a school that school was allowed to block the street off during school hours. He suggested that rather than going to the expense of putting in speed humps, liability issues and things like that, why could they not allow the school to block the street during school hours.

Council Member Myott replied that was where parents put their preschoolers.

Mr. Sexton explained that it could be blocked to through traffic. They could go in there and pick up their child and go out, but if there was a barricade there that would say it was only open to visitors at the school.

Council Member Rorrer pointed out that he lived on a street that used to supply a school and the biggest speeders back then had their hair in rollers and a housecoat on.

Mr. Sexton agreed, but if they block the street to where there was a narrow passage through for those people to pick them up, that was going to slow them down. He agreed with Council Member Janney, he was totally against speed humps because of the cost and liability concern. He stated that he thought there were better ways of doing it and this was a one-way street and the street was put in there mainly to service that school. He questioned why they would not allow them to block that street as they have that right to tell them to block that street during school hours.

Council Member Janney agreed and stated that he had thought about that but did not say anything. He stated that if they have no through traffic during those hours, then maybe that would help solve that problem.

Council Member Tudor asked if there was not a house back there.

Council Member Janney replied yes, but they would let the residents go in. That was not a through traffic.

Mr. Sexton pointed out that there was one house beyond the school.

Mrs. Stultz commented that she had been wondering aloud and questioned how they would differentiate between the residents on that street and anybody else that decided to go through there.

Council Member Rorrer stated that the residents would not be going all the way through.

Mr. Nooe questioned who would go out there and block the street everyday because if they just put up the signs, "No Thru Traffic" and they were going to go right on through there and ignore that sign the same as they were ignoring the speeding sign. He questioned that if they barricade the street, who was going to take responsibility for barricading and opening it up everyday.

Council Member Myott added that they would also have to open it up for delivery trucks that deliver goods to the cafeteria.

Mayor Price asked Council Members Grogan and Myott if they both agreed that this would serve as a pilot project as well as far as their motion.

Council Member Grogan replied in the affirmative because he thought they could get some idea of what the cost would be and engineer that, somebody that knew what they were doing to engineer it.

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Council Member Myott indicated that she was in agreement.

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

Mayor Price, for clarification, asked Mrs. Stultz if this would serve as the pilot project for this program and she would have reports back to the Planning Board to which she agreed.

NEW BUSINESS:

(a) Consideration of plotter for GIS System.

The memorandum to Council explained that the Council approved monies during the 2001/2002 budget process to purchase a plotter for use with the GIS system. Currently the Planning Department was unable to print tax maps. This situation is made more difficult by the fact that the County is using the new map numbers associated with the GIS System and thus the hard copies that the city has of tax maps and aerials are now obsolete.

The recommendation is to purchase the machine from Sharpe Images. This firm includes training in their price. The cost of the machine is \$9,690 including training, setup and extended warranty.

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

(b) Consideration of request for court action on condemned property.

The memorandum explained that on February 14, 2001 the Codes Inspector declared the building at 1001 Sharpe Street condemned based upon the North Carolina State Building Code. The Title search showed the owner to be Hazel Inez Jackson.

The Planning Department had completed the administrative enforcement proceedings and the owner has failed to comply with the inspector's order to take corrective action to abate the violation.

The Department requests the City Council to authorize the City Attorney to initiate legal enforcement proceedings to correct the unsafe building.

A motion was made by Council Member Gover seconded by Council Member Janney to proceed with legal action. All Council Members voted in favor of this motion.

(c) Consideration of recommendation to purchase playground equipment for new city park.

The memorandum presented to Council explained that the Eden Park Committee received four packages from vendors regarding the purchase and installation of playground equipment at the new Eden Municipal Park. Packages were received from Cunningham Associates, Inc., Peggs Recreational & Architectural Products Inc., Piedmont Parks, Inc., and Carolina Recreational Products, Inc.

In issuing the "Request for Proposal" to the above vendors, it was indicated that the project total budget was \$40,000 for the purchase and installation of playground equipment.

After reviewing all the proposals, the Park Committee would like to recommend Piedmont Parks, Inc., at the cost of \$39,280. Piedmont Parks, Inc., met all the criteria indicated in the proposal and exceeded the amount of equipment offered by the other vendors.

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.

(d) Consideration of Land Use Study for the area between Bridge Street, Boone Road, Moncure Street and Moir Street.

Council Member Tudor explained that he had received some complaints from people who were involved with the nearby church about the appearance of some properties inside those boundaries. He noted that there were some very large tanks, an area that has lots of barrels, and one area that contained junk cars at one time, some old industrial type buildings, but the neighborhood, that area there was no longer used for industrial, so he wanted them to take a good look at the use there. It appeared to be basically business and residential, not industrial. He asked that the Planning Board come back with a recommendation that the zoning should remain as it is, or to be changed to Business-General.

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Council Member Janney asked what he hoped to accomplish. He stated that there were people using those buildings over there.

Council Member Rorrer added that there was not a building over there that was not being used.

Council Member Janney asked if they would run those people out.

Council Member Tudor replied that they were businesses, not industrial.

Council Member Rorrer pointed out that he would think they were all conforming and Council Member Janney agreed.

Mrs. Stultz commented that there was a house that was zoned business, there was a fairly large lot where one of their tow truck operators had been storing his vehicles. She stated that he was moving them within a fence. There were some remaining things that have not been used. She stated that she had discussed it with Council Member Tudor and she had a lot of concerns expressed to her about that area, and whether a land use pattern was what it should be. She stated that she would not stand there and tell them that when it comes back from Planning Board that they would recommend changes, but she thought there had been a great deal of questions and concern about what was there. The area was kind of small so there would not take a lot of time and effort to look at it to see if there were any changes they would want to recommend.

Council Member Rorrer asked if they were discussing the old Sealtest area.

Mrs. Stultz replied that it was the old "Ivie Tire" area.

Council Member Rorrer replied that they had someone in the Ivie Tire. He asked if they were conforming. Mrs. Stultz replied yes. He stated that they had someone storing cars on the lot behind that, the tanks were down, he asked if they were conforming.

Mrs. Stultz replied not exactly right now, but yes. She added that a house was also on that corner, it was abandoned, but it was zoned business.

Council Member Rorrer pointed out that there were two places over there that he was aware of that were not occupied and that was the house that Mrs. Stultz was talking about and the station beside of it and they were boarded up.

Council Member Tudor commented that maybe he was content with the circumstances there but the people at the church were not and they would like to see it improved. He pointed out that it was in his section of town and he represented them so on their behalf, he had asked that they do a study of the area. He stated that he tried to represent the people of his area.

Council Member Rorrer replied that he did also to which Council Member Tudor stated that he noticed that tonight.

Council Member Janney commented that the thing about it, they were going to go in there and tell those people how they were going to be zoned.

Council Member Grogan stated that they were not going to tell them anything. He stated that all they were going to do was get a study.

Council Member Janney replied that if they went out and had a study and if there were a change, they would come back and tell them that they had to rezone their property.

Mrs. Stultz commented that another thing to consider, it may come back from the Planning Board that the zoning district may need to remain the same, but some changes may need to be made in the regulations for those districts. She stated that she did not think, when they did a Land Use Study that they always got an answer that the zoning map needed changing. She stated

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that she had not thought about it enough to have any recommendation to the Planning Board at this point.

Council Member Rorrer referring to Council Member Tudor's earlier statement commented that he resented it to which Council Member Tudor replied that he resented his attitude.

A motion was made by Council Member Myott seconded by Council Member Tudor to approve this study. Council Members Myott, Tudor, Reynolds, Grogan and Gover voted in favor of this motion. Council Members Janney and Rorrer voted in opposition.

CONSENT AGENDA:

(a) Approval and adoption of minutes – June 12 and June 19, 2001.

(b) Approval and adoption of a motion to obtain price quotes for a Global Positioning System (GPS).

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

ORDINANCES AND RESOLUTIONS:

(a) Adoption of an ordinance regulating parking on the South side of Fieldcrest Road.

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

(b) Adoption of a resolution regarding Traffic and Parking on Fieldcrest Road between Main Street and Meadow Road.

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

(c) Adoption of an ordinance closing an unopened street adjacent to Hamilton Street. STREET CLOSING SC-00-03.

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

(d) Adoption of an ordinance for Mill Avenue, Trucks, No Right Turn. (Adopted June 19, 2001).

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

(e) Adoption of an ordinance on Elam Avenue to reduce the posted speed limit from 35 mph to 25 mph. (Adopted June 19, 2001).

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

(f) Adoption of an ordinance on Oak Street to reduce the posted speed limit from 35 mph to 25 mph. (Adopted June 19, 2001).

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

VOUCHERS:

There was no discussion on vouchers.

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DISCUSSION REGARDING CITY ATTORNEY:

There was some brief discussion about the use of another attorney as well as Mr. Nooe. Council Member Janney expressed some concern that the Council had not had any feedback. He stated that he did not understand how they would evaluate him.

Mr. Nooe explained that most of the projects that he was currently working on, it would be a month before they received a report. He stated that currently he had 15 condemnations.

ADJOURNMENT:

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

Respectfully submitted,

Kim J. Scott
City Clerk

ATTEST:

Philip K. Price
Mayor