

CITY OF EDEN, N.C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, March 20, 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 also welcomed everyone to the new City Council Chambers. He explained that this Council Chamber would meet the needs of the city for many years to come. He noted that they had approximately 125 seats and the back panel could be opened up for additional seating. 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.

RECOGNITIONS:

Mayor Price welcomed Boy Scout Troop 553 of Central Christian Church.

Mayor Price also recognized Mr. Archer Joyce, MaCrae-Bell, the architect for the New City Hall renovations, Mr. Joe Stanley, City Engineer, and Mr. Joey Conner, Recreation Director, who have done an excellent job overseeing the renovations. He also thanked Mr. Gary Roberson and Mr. Jimmy Bolden, Code Enforcement, for their work.

INVOCATION:

Mr. Gary Cobb, Pastor of Sunny Home Baptist Church was present to give the invocation.

ADDITIONS TO AGENDA:

Resolution added to the agenda in support of the Federal Express Mid-Atlantic Hub at Piedmont Triad International Airport.

A motion was made by Council Member Myott seconded by Council Member Grogan to add this Resolution to New Business. All Council Members voted in favor of this motion. This motion carried.

Request by Council Member Janney for traffic study to be done on Harrison Street for "No Thru Trucks" sign to be installed.

A motion was made by Council Member Janney seconded by Council Member Rorrer to add this item to New Business. All Council Members voted in favor of this motion. This motion carried.

February 20, 2001

CITY OF EDEN, N. C.

Minutes of the February 20, 2001 meeting of the City Council, City of Eden, N. C.

396

PROCLAMATION:

Mayor Price read the following proclamation in observance of Litter Sweep.

LITTER SWEEP
2001

WHEREAS, the North Carolina Department of Transportation annually organizes a statewide spring roadside cleanup to ensure clean roadsides in North Carolina; and

WHEREAS, the spring 2001 "*Litter Sweep*" cleanup will take place April 16-30, 2001, and encourage local governments, businesses, civic and professional groups, churches, schools, and concerned individuals to organize cleanups in their communities; and

WHEREAS, the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid wastes; and

WHEREAS, the "*Litter Sweep*" cleanup will be a part of educating the children of this great State regarding the importance of a clean environment to the quality of life in North Carolina; and

WHEREAS, the great natural beauty of our State and a clean environment are a source of great pride for all North Carolinians, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the 2001 spring cleanup will acknowledge the 13th anniversary of the North Carolina Adopt-a-Highway program and its thousands of volunteers who labor throughout the year to keep our roadsides clean;

NOW, THEREFORE, I, PHILIP K. PRICE, Mayor of the City of Eden, North Carolina, do hereby proclaim April 16-30, 2001, as

"LITTER SWEEP"

in the City of Eden, and encourage all citizens to take an active role in making their communities cleaner and more beautiful.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eden, North Carolina, this the 20th day of March, 2001.

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

ATTEST:

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

There was some discussion about the enforcement of littering among the Council.

Council Member Grogan asked Mrs. Kelly Stultz, Director of Planning and Inspections, to look into that and maybe bring some type of recommendation back to the April meeting.

Council Member Myott commented that when they were discussing solid waste and littering, that the Council did at that time raise the littering fine to \$500.

Council Member Janney stated that he thought they already had an ordinance for that to which Council Member Grogan questioned if the signs were up.

Mayor Price asked that Mr. Corcoran bring back a reminder to the Council for clarification, if they did not have enough signage up it would be an opportune time. He added that last summer, a Police Officer stopped a gentleman for throwing a pack of cigarettes out of his window and he did a license check and it turned out that this gentleman had escaped from a Texas prison. So, that slight that he gave the city by throwing trash out certainly took care of him for a long time.

PUBLIC HEARINGS:

There were no public hearings for the month of March.

MONTHLY FINANCIAL REPORT:

(a) Finance Department Monthly Reports.

Mayor Price asked Interim Finance Director, Mr. Larry Fisher, to come forward with the monthly financial report.

Mr. Fisher explained the City of Eden, 2000-2001 Budget Ordinance in that there was a question about the budget ordinance being at \$22 million and the information that he had presented to the Council showed \$26 million. He explained that this would take them from one place to another.

He explained that the Estimated Revenues and Appropriations were \$22,417,900. He then referred to the next page, which was a summary of the Comparison of the Fiscal 2001 Adopted Budget to the General Ledger.

He noted that there were three funds that were not included in that \$22,417,900. Those were the Grant Project Funds and the Capital Project Funds. He then referred to the next page, which was a copy of the Laws for Local Government, Section 159-13.2 Project Ordinances, (a) Definitions (1), (2), and (b) Alternative Budget Methods. *(A copy of this page is located in the office of the City Clerk).* He explained that Capital Projects and Grant Projects, they could appropriate for that for the life of the project, and that was what they have done. That was why they were not in the operating budget.

He then referred to the next two columns, which were the Approved Budget Amendments to Date, which totaled \$4,511,411 and the Budget per 02/28/2001 General Ledger Report, which totaled \$26,929,311. He stated that he had taken that \$4,511,411 and broken it down to three pieces, which included the Grants Projects funds (\$1,649,500), the Capital Projects fund (\$1,757,650), and the Operating budget amendments YTD (\$1,104,261). He explained that there had been eleven (11) budget amendments totaling \$1,104,261.

He explained that the difference between the 22 million that they adopted on July 1st (2000), and the 26.9 million that was in the General Ledger Report was their Grant Project and Capital Project funds and the Operating Budget Amendments that they had made so far this year.

Council Member Janney commented that after the Council adopted the budget, they voted to move one million dollars from the General Fund Contingency, an excess of two to four million dollars, they wanted to move it from that fund, and they moved it into Capital Projects. He asked how they added that to the total number when it was already in Contingency.

Mr. Fisher replied that he did not know how far to go with government accounting as there were like thirteen (13) different businesses. There were no inter-fund eliminations. They have in the Water Fund, for example, a \$1.9 million appropriation to go to the Debt Service Fund to pay the Debt Service on some bonds.

Council Member Janney explained that the only thing he was trying to clear up in his mind was the one million dollars that he knew they took out of the General Fund Contingency and moved it back into Capital Projects. He added that he would talk with Mr. Fisher about that later so that he would understand how that one million dollars got added into it again.

Mr. Fisher then referred to the Financial Statements dated February 28, 2001. He explained that they would look at both Revenues and Expenditures. He began with the Revenue versus the Budget Comparisons which was headed Summary Revenue Statement Fiscal Year 2001. He noted that the year was 66.7% expired. He then noted the Percentage of Estimated Revenue that has been collected by fund. He stated that he focused his attention on the General Fund and the

CITY OF EDEN, N. C.

Minutes of the February 20, 2001 meeting of the City Council, City of Eden, N. C.

398

Water & Sewer Fund. The General Fund Revenues were about 78% collected. He explained that that happened because of taxes. He also referred to the following funds: 11, 12 and 75. He explained that funds 11 and 12 were the two Grant Funds and fund 75 was the Capital Project Fund. He stated that another place where he focused his attention was the Water & Sewer Fund. Those Revenues were 55.4% collected.

He then referred the Council to a separate piece of paper that he had handed out that was a Revenue Statement for the Fiscal Year 2000. He noted that this was a detailed breakdown of the thirty (30) fund revenue information that was on the previous sheet. He noted that if they went down those Revenues, the big one was sale of water, where they were estimated to receive about 3.2 million. He also noted the sewer charges, which was a little larger at 3.358 million. He stated that they would find that the sale of water was about 65.9% (collected), which was a little bit less than the 66.7% of the year that had expired.

He explained that one reason they could use the year expired as a measurement was because that was something they would normally expect to receive uniformly. There were some revenues where that really did not work very well, but those Water & Sewer Revenues were something that they expected to see uniformly year after year. He then referred to the sewer charges, which were 3.358 million. They were only 50.7% collected.

He explained that the city considered a rate increase, and they went out and got someone knowledgeable in this field, to help determine the kind of rates or adjustments they would need. Mr. David Cain (Finkbeiner, Pettis, & Strout) brought the city a series of options and presented them to the Council. The number that wound up being budgeted for these two line items, 3.2 million for water revenue and 3.35 million for sewer revenue, very closely match, but that was a projection. He stated that he believed that the estimate was a little high.

Mr. Fisher then returned to the General Fund and referred to the Summary Revenue Statement, that was the source of this piece of information, which is the Revenue and General Fund to date, \$7,823,000. He noted that in their package, just behind that was a Summary Expenditure Statement and on the left-hand side it said General Fund. He noted that they had appropriated \$9,989,000 for their General Fund. The Expenditures were \$6,335,000. The Revenues actually realized to date exceed the Expenditures to date by \$1,488,000. He stated that he would be willing to say that the General Fund was okay at this point in time.

He then returned to the same Summary Revenue Statement and noted Fund 30; the Revenue to date was \$4,524,000. He noted that the same piece of paper he had given them regarding the Water Fund, showed the Expenditures to date. Those were \$3,599,357 and the Revenues in the Water & Sewer Fund at this point in time exceeded Expenditures by \$925,000, but there was an Expenditure in there for \$1,925,800. That was the Debt Service Fund and the year was 66.2/3% expired. He explained that he calculated the 1.9 million by 66.7% and if they had to make that payment monthly, instead of annually, they would have paid so far, \$1,284,000. He stated that in other words, as soon as he throws the Debt Service Fund in there, they would be in \$359,000 deficit in the Water & Sewer Fund. He stated that in his opinion that was where they needed to focus. They did not want to come to June and not have the money. He stated that in this budget year, as they make their final estimates about what position they thought they would be in after June 30, and they started talking about what they needed to do for Fiscal 02, they need to pay attention to that fund.

He then called their attention to the Contingency Appropriations. He stated that it was located in the Summary Expenditure Statement in the General Fund. The last item listed there was Contingency Appropriations. He stated that a good portion was put in there to implement the pay plan study. They also have, if they would locate the Water & Sewer Summary Expenditure Statement, the contingency in that fund (\$152,200). He explained that he added the two contingencies to come up with \$575,000. It was his understanding that the pay plan study required about \$385,000.

February 20, 2001

CITY OF EDEN, N. C.

Minutes of the February 20, 2001 meeting of the City Council, City of Eden, N. C.

399

Mr. Corcoran noted that it was \$380,000 on the November implementation plus the \$1,000 per employee that was done in July, at about \$187,000, so when the two were added together it was right at about \$530,000, give or take.

Mr. Fisher explained that the General Fund and the Water Fund covered about 90% of the operating business.

Mr. Corcoran added that obviously that was what the money was set aside for and it had not been moved into the respective departments as of yet.

Mr. Fisher explained that as far as the Contingency was concerned, there was a half a million-dollar contingency sitting there, but almost all of it has been spoken for.

Council Member Janney commented that he did not have any questions, but he wanted to say that he did not know how to say "thank you" for a bad report. He stated that he had highlighted some things that he really appreciated and he thanked him very much.

Mayor Price explained that before he left he wanted to express the gratitude of the Council and the community for his help to the City of Eden. He noted that this would be Mr. Fisher's last meeting. He also noted that although he had been there for a short period of time he had made a remarkable difference in progress that the city had made.

REQUESTS AND PETITIONS OF CITIZENS:

Mr. Wayne Sexton, Jr., Representative of Pleasant View Baptist Church Addressed Council:

Mr. Wayne Sexton explained that he was a youth pastor, as well as the spokesperson for their building and finance committee at Pleasant View Baptist Church. He explained that they were in the process of adding some parking and upsizing their sanctuary, as well as their fellowship hall. He stated that they were located on Meadow Road. He explained that their parking lot had pretty much handled what they needed, but they have now gone from about 85 to about 215 in attendance on Sunday morning. He stated that they needed additional parking and they have done about all they could do with the area that they currently had. He stated that they could purchase some land across the street but that was not really something they could afford to do right now.

He explained that there was a ditch that ran between the sanctuary and the parsonage. They filled the ditch in with dirt and were in the process of getting ready to have it paved when they found out that there were a couple of manholes underneath about 8 to 10' of soil they had already placed there. He stated that Mr. Benny Sexton (Municipal Services Director) came out and they found in addition to the one manhole they knew about, a second manhole. One was going to need to be raised between 8 and 10' and the other between 10 and 12'. They have already had the pipe delivered and were in the process of waiting for the weather to clear so they could have the manholes dug back out and the pipes put in place and brought back up to where the city would be able to use them if it became necessary.

He explained that the church had budgeted to build on to the fellowship hall, to add on to their sanctuary and their parking lot. They had already received a loan from the bank and this was an expense that they really had not anticipated. He explained that he was appearing before the Council to see if there was anything that they may be able to help them with. He pointed out that it definitely beautified the area.

Council Member Gover asked Mr. Benny Sexton about the manhole. They had a manhole directly across the road from that and then they have the one that they covered up there at the edge of the lot.

Mr. Sexton replied that they have one about 10' off of Meadow Road and then one at the back of the lot at the incline.

February 20, 2001

CITY OF EDEN, N. C.

Minutes of the February 20, 2001 meeting of the City Council, City of Eden, N. C.

400

Council Member Gover asked if the city had an easement.

Mr. Sexton replied that he could not say, however it had been there for years so he would say they probably did.

Council Member Gover stated that those manholes had obviously been covered up before now, and he asked if they really needed them at that point, so close together.

Mr. Sexton replied that the State required them to because of the steel sleeve under Meadow Road. They had one located on each side of Meadow Road, and then the other one fell in line as the distance required for it coming back up the other way.

Council Member Janney questioned that one had already been fixed to which Mr. Sexton replied no. He asked what the grate was to which Mr. Sexton replied that was the catch basin.

Mr. Sexton explained that the church had gone to a lot of expense putting in big storm water pipes there. He stated that he could not say where the first manhole was because no one was sure where the right of way was at, the first manhole was pretty close to the right of way at Meadow Road, but the second manhole was on their property, located at the back corner. The best he could tell, both manholes were located on their property. He stated that he had worked with them, ordering the pipe for them and delivered to the job site, at the city's cost. He stated that they agreed to reimburse the city and then they decided to come and ask for any help the city could give.

Council Member Gover asked if they had an easement through there would the city normally do the maintenance on it.

Mr. Sexton replied, yes, they normally kept them mowed and cleaned.

Council Member Janney questioned what the city would have done at that point, had they called the city and said they were going to fill this back in.

Mr. Sexton replied that he thought that was what happened. The city was called when they first began filling. It was filled in two parts, they extended their parking lot the first time and they were told that there was a manhole on the property that would have to be raised. He added that they did not know there were two manholes. He stated that it went to the Engineering Department who informed them that they would have to raise the manhole. They asked the city to camera it and where they had done the first fill they covered one about 2" and they dug it out and painted it green and then located the second one, painting it green also. He stated that they were told early on that they would have to raise the manholes. He explained that he thought there had been some miscommunication with 3 or 4 people from the church involved and this committee.

Council Member Gover asked how much money they were talking about.

Mr. Sexton replied that the pipe itself was \$860.00.

Council Member Janney questioned that the figure was just for one manhole to which Mr. Sexton replied that it was for both.

Council Member Grogan asked if it was there before the church was built to which Mr. Wayne Sexton replied that he did not know but he did know that since the church added the fellowship hall it was there at that time.

Council Member Janney pointed out that there used to be a junkyard there so there was no telling what was in there. Council Member Rorrer added that the man who built the church had the junkyard.

February 20, 2001

CITY OF EDEN, N. C.

Minutes of the February 20, 2001 meeting of the City Council, City of Eden, N. C.

401

Council Member Grogan questioned if they would be setting any type of precedent in spending money on private property for a church.

Mr. Nooe suggested that before the Council considered doing anything, that they get the history of the easement, the legal status of it, what the present ordinances were and what ordinances would have to be amended to do it without violating their own city ordinances, which would then give them an opportunity to look at the kind of precedent they were fixing to set.

A motion was made by Council Member Gover seconded by Council Member Reynolds to table this request and ask the City Manager to bring additional information back to the April Council Meeting. All Council Members voted in favor of this motion.

Mayor Price explained to Mr. (Wayne) Sexton that the city would be giving him an answer at the April regular meeting of the City Council.

Mr. William Brannock addressed the City Council:

Mr. William Brannock, 911 Lincoln Street, explained that he was in bad health and he had been building things such as birdhouses, etc., for about two years. He stated that when he first began, he had asked the city about building a little building on a concrete slab that was at the end of his driveway. He stated that he was told he could not do this because it was too close to his property line, but he could go directly behind it. He stated that he was then told that he could pay \$100 and go through a committee to get it passed, but he questioned why he would pay \$100 when he was already paying property taxes.

Mrs. Stultz, Director of Planning & Code Enforcement explained that the ordinance specifically says that he cannot build the building that close to his property line where his concrete pad was. In order to appeal, the ordinance and State laws required that he would have to go before the Board of Adjustment and the Council had passed a fee for those procedures.

Mayor Price questioned what the fee covered to which Mrs. Stultz replied, advertising costs. She added that the city still ended up paying for a portion of that.

Mr. Brannock commented that he was also told that he would be able to build, but it was behind the house, and it was still just as close to the property line as the slab was, which would cause him to have to build a floor and all that. He stated that he went on and made a workbench there and the lawnmower shop gave him a few (wooden) pallets every now and then. He stated that last week his wife had the city come over there because the next door neighbors had raw sewer running out of the house and it was running across his yard and the city saw his wood on the cement slab. He stated that he was told that it had to be moved within 20 days. He stated that it could not be seen from the road as a vehicle was sitting in front of it.

He noted that he had heart problems and cellulitis on his legs and it made it easier on him for it to be on that slab. He stated that he just wanted to see if something could be done. He noted that he did not have a whole lot of stuff, about seven (7) pallets.

Mayor Price explained that he was asking the Council to make a decision that frankly was something that had to go to the Board of Adjustment first before it came to the Council.

Mrs. Stultz added that it depended upon each question he was asking. He was questioning the ability to get a variance to build a building on a concrete pad and that would have to go to the Board of Adjustment. The other question about nuisance provisions, appeal to that was through the City Council.

Mr. Brannock pointed out that the city would not have known about that if his wife had not called about the sewer problem.

February 20, 2001

CITY OF EDEN, N. C.

Minutes of the February 20, 2001 meeting of the City Council, City of Eden, N. C.

402

Mayor Price asked if this appeal would be an item to be publicized.

Mrs. Stultz replied yes that would be from the nuisance division, when he decided to appeal whether he had a nuisance in his yard or not.

Mayor Price asked if that was something that would have to go through her department and be publicized and be recorded on the regular City Council agenda to which she replied that was correct.

Council Member Rorrer commented that he was familiar with what Mr. Brannock was talking about and he thought there was a misunderstanding where he was talking about he could build something right behind that pad. He explained that he could build behind that pad, but he would have to get over toward the house and away from the property line, it could not be the same distance from the property line. He asked Mrs. Stultz if that was correct.

Mrs. Stultz replied that he was pretty close. She, along with Mr. Gary Roberson (Codes Inspector) went up there and met with the Brannocks and found where the property lines were and according to their measurements, the concrete pad itself, when it gets back there. For example, if he wanted to put a carport on that concrete pad they would let him, but what he wanted to do was put an enclosed building beside the house and that close. It would be okay, but he had to get behind the house in order to build a completely enclosed structure or meet the regular setbacks, which he could not do.

Council Member Grogan asked if he could build a small garage.

Mrs. Stultz replied that he could not build anything that was enclosed where that concrete pad was without a variance from the Board of Adjustment.

Mr. Brannock asked what the difference was between an enclosed structure and a structure being open.

Mrs. Stultz explained that the city's zoning ordinance differentiates between completely opened carports and accessory structures, or as Council Member Grogan suggested, he build a garage onto his house that would make his house that wide. She stated that the Council made provisions to the zoning ordinance that made some fairly lenient guidelines for carports because this community was standard to have them, and they have made several changes to that in the last couple of years, however, accessory structures themselves built in front or beside the house were a little different.

Mayor Price explained that the Council could not render a decision at that time.

Mr. Brannock stated that the main thing was that he was trying to keep things to where he could build his stuff. If he had to move it he would just have to quit and this was also a way he could get the extra money to pay for his medicine.

Mayor Price explained that he understood his situation, but he would have to go through the Code Enforcement and Planning office first before anything could come before the Council.

Mrs. Stultz added that the notice that Mr. Brannock was sent says that within the 20-day period that he was given he could file a notice to the Eden City Council by giving written notice to the City Clerk. She noted that the notice was mailed to Mr. Brannock on March 2nd.

Mayor Price suggested that Mr. Brannock go by Mrs. Stultz's office and address this matter so that she could recommend the appropriate action for him.

Mr. David Harbor addressed the City Council:

CITY OF EDEN, N. C.

Minutes of the February 20, 2001 meeting of the City Council, City of Eden, N. C.

403

Mr. David Harbor, 218 Fairway Drive, explained that he just wanted bring the Council's attention to some of the news that went on in the surrounding area economic-wise, but one area that was close to Eden that had been hit harder on job losses was Martinsville and Henry County (Virginia). He stated that he had read over the last couple of weeks that Martinsville and Henry County was ranked eighth in the State of Virginia in creating new jobs last year and he was just curious to see if it would be possible that they could get together a delegation of people from the city or county, whatever, and find out what those people were doing to create those jobs, because everyone knew they desperately needed jobs.

Mayor Price replied that it was very well spoken. He thanked Mr. Harbor and asked him to follow up with him about this. He pointed out that Martinsville and Henry County had been hit as hard as Eden with the loss of jobs, particularly in the textile industry, and they have really done everything they could do in terms of building parks and they just recently had a trade show and unveiled the system of electronic commerce. He stated that this was going to be very important to them and they were joining with the City of Danville and Pittsylvania County who were sitting up a separate operation of a business park, not totally dedicated, but largely dedicated to electronic commerce.

Council Member Rorrer pointed out that they have also had an excessive amount of funds funneled into them from the State.

Mayor Price replied that was a point well taken and they have really done an excellent job.

UNFINISHED BUSINESS:

(a) Consideration of Sewer Use Ordinance – amendment recommendation:

The memorandum presented to Council explained that the Treatment Plants Director, Dennis Asbury, recommended that the city's Code of Ordinances be amended to bring its Sewer Use Ordinance into alignment with North Carolina's Model Sewer Use Ordinance and NCGS 143-215.6A. (A copy of the amended ordinance is in the office of the City Clerk).

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

(b) Consideration of Sewer Use Ordinance – enforcement response plan:

The memorandum was also presented to Council by the Treatment Plants Director, Dennis Asbury, who recommended that the City Council approve the Enforcement Response Plan (ERP) including four pages of text and four pages of charts. Responsibility and authority for the creation of the ERP is derived from National Pollutant Discharge Elimination System (NPDES) Permit NC0025071 (Mebane Bridge WWTP) Part III B 9. (A copy of the plan is in the office of the City Clerk).

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

(c) Consideration of request from Frederick G. Griffin, PC.

The information provided to Council was in regard to Project 99-18 Indefinite Services Contract – request for an additional \$50,000.00. The anticipated near term tasks under this contract would be: 911 network assistance/support; FCC licensing support; yet to be delivered CAD proposal – review and contract negotiations; conventional radio system interconnection to item #3 above; 800 MHz radio project implementation support; physical facilities coordination support.

Mr. Corcoran explained that the memorandum he had presented to the Council outlined the history of the city's relationship with Mr. Griffin. He explained that Mr. Griffin was the consultant that was hired to work with the city in upgrading the communications system for the Police Department. Mr. Griffin's firm was hired in November of 1999 and it had been working on an indefinite services contract that had an initial allocation of \$50,000. Of that money, \$49,807.37 had been spent through March 5th. He explained that the Council had before them a

February 20, 2001

CITY OF EDEN, N. C.

Minutes of the February 20, 2001 meeting of the City Council, City of Eden, N. C.

404

letter from Mr. Griffin requesting an additional \$50,000.00 authorization. He stated that there was some work he had continued to do for the city and there was some work that he still needed to finish. He stated that it was the staff's recommendation that any additional authorization be limited to \$25,000.00.

A motion was made by Council Member Grogan seconded by Council Member Rorrer to accept the City Manager's recommendation to authorize an additional \$25,000.00.

Council Member Janney asked if this came out of Contingency.

Mr. Corcoran replied that it was noted that currently this money was coming out of the Capital Projects Building Improvements account, which was already over budget. That basically was their City Hall Renovation Project. Obviously that line item was already going to require a budget amendment. They have basically two options: (1) they could charge the money there, which meant when they do the budget amendment, it will be larger or (2) he believed that in speaking with Mr. Fisher, after they move the money, the Council implemented the Pay Plan in November versus July, so all of the money that was included in that Contingency account would not be utilized since they were only going to use eight months of that money. So, another alternative was to use part of the money that would be remaining in the Contingency account for this.

In response to a question by Mayor Price as to what his recommendation would be, Mr. Corcoran replied that he would probably want to add it to the Capital Projects Building Improvements as a line item because that gave them an actual feel of what this project really costs, and they were going to have to do a budget amendment anyway. He stated that there was no sense putting this off somewhere else, they might as well put it in that account and let everybody know exactly how much the project ended up costing in the end.

Council Member Janney noted that that was less money they had to play with.

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

(d) Consideration of City Hall Renovations Project, Change Order No. 4.

Mr. Corcoran explained that included for Council's consideration was a transmittal from the Project Architect, along with detailed explanations and the associated additional costs for some remaining outstanding items in relation to Change Order #4. Those items have been included and were itemized. He then asked Mr. Archer Joyce, the architect for MaCrae-Bell, to come forward to answer any questions that they may have.

Mr. Joyce noted items 43 and 44 and stated that he wanted to address those separately since that was additional work to the heating and air conditioning system and those were fairly new items that have come up. Items 40, 41, 42 and 45 were to his knowledge the last remaining items of the basic contract work that they had been dealing with. This was just some tail end things that came in. The cost for item 40 appeared earlier in the project, but they were not able to get a cost from the HVAC contractor until this was put together. This is an exhaust fan that the Police Chief requested for the evidence processing room.

Item 41 dealt with an area behind the Council Chambers, a storage room, where a new ceiling was put in and they had to reroute the sprinkler heads. Item 42 was a credit for work that they ultimately did not have to do. Item 45 was a door that Peter Bine (former Interim City Manager) requested to adjoin one of the two rooms next to the Manager's office into the Human Resources area. That was approved on Change Order #2. At about that same time Mr. Bine left, so they put the work on hold in order to verify whether to do it or none, and they were ultimately told it would not be done, so it came back to this credit.

February 20, 2001

CITY OF EDEN, N. C.

Minutes of the February 20, 2001 meeting of the City Council, City of Eden, N. C.

405

Mayor Price asked if there were any questions.

Mr. Joyce explained that the Mechanical Engineer, Mr. Perry Gulledge, president of Triad Engineering Consultants, Inc., who had done all the consulting for the mechanical engineering work for this particular project. He asked Mr. Gulledge to come forward to address items 43 and 44.

Mr. Gulledge explained that he thought most of them should have a summary of those items dated February 6 and revised February 28, 2001. He explained that this briefly summarized the original building system and how the project was originally defined and how they got to the current position that they were in. He explained that the project was initially called an upfit project, which was to upfit the downstairs unfinished area to an occupied space. Over the course of developing the plans there were additional items that came up during the design of the project that added to the cost.

He explained that the additional HVAC work in the renovated upfitted areas, downstairs was upfitting existing open construction for new occupied space and the work upstairs involved renovating existing systems. The items that were included in this \$29,585 figure included several things that arose once they completed the intended renovations and then they found deficiencies and unknown conditions between the existing systems that they were previously unaware. In general there were some steam coils that were found to be leaking and had apparently not been used for years. When they replaced the controls and began operating the valves on those coils the steam leak caused some damage. The same thing happened with the air handling unit downstairs. The air handling unit had a chiller water cooling unit adjacent to that that needed to be replaced. There was also some of the diaphragms on some of the operators on the control valves were found to be bad. He explained that this was a summary of the cost associated with that work.

Council Member Rorrer asked what would happen if they did not do that at this point. They had already overrun the project.

Mr. Corcoran explained that item 43 basically dealt with the areas that had been upfitted as a result of this project. Item 44 dealt with the facilities that were already in place. In terms of 44, apparently it was very hot in there during the Spring and Summer and it was very cool during the Winter. There have been mornings where they have come in and one office may be 56 degrees, but another office was 80 degrees. As far as what would happen if they did not do the renovated upfitted areas, he would think that Mr. Gulledge could answer what would happen if they did not do that.

Mr. Gulledge replied that if they did not repair those steam valves, they would not have control of the steam coils that provides the heat for three areas, one being the Council Chamber, another being the Fire Chief's office and the Eden Room. Those were the three areas directly affected by that item, which was \$1,368.00. He stated that if they did not want to do that then there would be no heat in those rooms.

He then continued with the steam coils, \$7,680.00 and explained that that was basically the same thing. There were two coils that were leaking, one serving the Council Chamber and the other in the Fire Chief's area.

Mr. Gulledge then continued with the steam coil in AHU-3. The unit downstairs, that unit was designed to handle the fresh air for the building and if they did not replace that coil they would not have tempered fresh air in the building delivered to the area. It also provided tempered fresh air to the Council Chambers, the Eden Room and to the Fire Chief's area. (\$10,817.00).

The next item (4), had to do with the kitchen area between the Council Chambers and the Eden Room. If they did not do that one there would be no control of the temperature in that particular area, which was presently not finished. (\$6,400.00)

February 20, 2001

CITY OF EDEN, N. C.

Minutes of the February 20, 2001 meeting of the City Council, City of Eden, N. C.

406

Mr. Gulledge continued by explaining that the area where the Fire Chief was located used to be a testing lab and there was a lot of fresh air pumped in to it. Currently there was no control of the heat in that area, but they have a lot of fresh air that was pumped in to it from this air handler 3 (AHU-3). That item really needed to be done to regain control in that area. (\$1,320.00)

Mr. Corcoran explained that this dealt with item 43.

Council Member Rorrer questioned where the money was coming from. Council Member Reynolds questioned when this would come to an end.

Mr. Corcoran explained that this was why item 44 was on there. Initially Change Order #4 was going to be everything but item 44, and then at a later meeting there would be discussion of the other problems that existed. He stated that he decided that they just needed to get all this out on the table so that the Council could decide whether or not to do it. He stated that they met on Monday and Joe Stanley, Joey Conner, Archer Joyce, Perry and the contractor (Lomax), and there was nothing out there now that anyone knew about that should be added. He added that having said that, they had that whole communications upgrade for the Police Department, which was several hundreds of thousands of dollars, not to mention the relocation and the furnishing. Obviously that was not a part of this contract but it was a part of the building project and that was still to come.

Council Member Rorrer stated that he still had not got an answer. He asked that if they approved this, where was the money coming from.

Mr. Corcoran replied that as far as item 43, they probably had enough money, with the pro-ration that was going to take place on the money that was in the Contingency account, and the fact that they were only spending \$25,000 on the Griffin (Fred G. Griffin), they probably have enough money to take care of 43. They would probably not have enough to take care of item 44.

Mayor Price asked what his recommendation would be.

Mr. Corcoran replied that he thought the most important thing was to see 43 done because that was the new areas, the Council Chambers and the Eden Rooms. Those were areas that were going to be used by the community all the time. He stated that the bottom line on item 44 was that if they did not do it they would just continue to use fans and space heaters and replace those and pay the utility charges that were associated with those.

Council Member Rorrer stated that he wanted the whole thing took care of, but they had to have something to write the check with.

Council Member Janney noted that they should keep in mind, they knew what happened this past year. Everyone had fans in the summertime and under desk heaters in the wintertime. He stated that there was a certain amount of money going out the window for that.

Council Member Gover stated that his concern was that the \$105,000, #44, was not mentioned in the meeting that they were in on the \$29,000. So, this came as quite a surprise as they only discussed the \$29,000 in that meeting.

Mr. Corcoran explained that the biggest thing at that meeting was that they were discussing what was needed to finish the new areas. Quickly, it was very apparent there were severe problems with the existing areas. He stated that he surely did not want the Council to pay their last bill and think that the building was fine and all of a sudden find out that none of the money they had spent went to any of the existing area and employees were still using space heaters and fans. He stated that he obviously did not have any idea what it would cost which was why they asked Mr. Gulledge to do his best effort to give them the cost figures.

February 20, 2001

CITY OF EDEN, N. C.

Minutes of the February 20, 2001 meeting of the City Council, City of Eden, N. C.

407

Council Member Gover stated that when they have this 43 and 44, they already had a \$61,000 override, and when they were courting a quarter of a million dollars override that did not look good at all.

Mayor Price commented that they were looking at items 40, 41, 42, 43, and 45. He stated that personally he did not think it would be responsible for them to do those changes at this time until they did the next budget. He encouraged the Council to approve 40, 41, 42, 43 and 45 tonight.

Council Member Janney pointed out that two items were credits so they would end up with about \$3,000 plus if they have already put that money in there.

Council Member Grogan asked if that basically meant that \$3,000 would come off of the \$29,000 (item 43) to which Mayor Price replied in the affirmative.

A motion was made by Council Member Grogan seconded by Council Member Janney to approve Change Order #4, items 40, 41, 42, 43, and 45, including those credits.

Council Member Grogan added that he would hope that the City Manager would take a look at item 44 and try to prioritize that into next year's budget.

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

- (e) Consideration of NCDOT resurfacing of state maintained roads within the city. Request for a priority list from the city to resurface state roads.

The memorandum provided explained that at the request of the NCDOT District Engineer's Office, the Engineering Department had evaluated all the state roads within the city limits and developed a listing of state maintained roads that were the City of Eden's top priorities for resurfacing by NCDOT during this coming fiscal year. The priority listing was given below and had been approved by the Street Committee.

1. Fieldcrest Road (Burgess Street to Lake Street)
2. Pierce Street (Kings Highway to Stadium Drive)
3. Summit Road (Friendly Road to Meadow Road)
4. Lincoln Street (Virginia Street to the city limits)
5. Third Avenue (Fieldcrest Road to the city limits)
6. Bridge Street (Washington Street to Hamilton Street)

The Engineering Department requested the Council to approve this priority listing so that it could be submitted to the NCDOT as requested from the District Engineer's Office.

A motion was made by Council Member Rorrer seconded by Council Member Gover to move forward. All Council Members voted in favor of this motion. This motion carried.

- (f) Consideration of appointment to ABC Board.

A motion was made by Council Member Janney seconded by Council Member Rorrer to nominate and appoint Mr. Tommy Robertson, Jr., of Pervie Bolick Street to the ABC Board.

A substitute motion was made by Council Member Grogan seconded by Council Member Myott to nominate and appoint Mr. Tommy Flynt of Patrick Street to the ABC Board.

Council Member Janney commented that Tommy Robertson, Jr., had lived in the Eden area all of his life. He was also involved in civic organizations and retired from Miller Brewing Company. He stated that he had known Mr. Robertson for quite a few years and he appreciated any support they could get for him.

Council Member Grogan stated that Mr. Flynt had been in Eden for about 30 years and he was president of Home Savings & Loan. He noted that his wife was a schoolteacher and his son was a real estate agent as well as being taxpayers. He stated that he would appreciate any support he could get.

Action on the substitute motion was as follows: Council Members Tudor, Myott, Grogan, and Reynolds voted in favor of Mr. Tommy Flynt. Council Members Rorrer, Gover and Janney voted in opposition. The substitute motion carried and Mr. Tommy Flynt was appointed to the ABC Board.

Mayor Price thanked Mr. Robertson for offering his name to be in consideration.

- (g) Consideration of property located at the corner of Washington Street and Henry Street for the purpose of a park.

The memorandum explained that at the time that the buildings on this site were demolished, the city engaged an engineer to design the system for shoring up the wall of remaining building. In order for the adjoining property owner to fix the wall and for the city to be released from liability concerning it, they will have to hire an engineer to design a system for the wall. When that design is completed a decision could be made as to whether the property owner might need to purchase property from the city for the wall. If additional property is necessary, then the request would need to come to the City Council and through the City Attorney's office to insure that the transaction is proper.

The Planning & Code Enforcement Director, Mrs. Kelly Stultz, noted that she was aware that the merchants in the area were interested in the creation of a public space on the city's property. She agreed with them that the addition of a simple gathering space would be an asset to the area. If the City Council would like to investigate the creation of a public space, she thought that it would be a project for the Community Appearance Commission and the Tree Board.

Council Member Tudor commented that Mrs. Stultz had provided him with a map and noted that most everyone would be familiar with this vacant lot on the corner of Washington Street and Henry Street. He explained that the downtown merchants had expressed a desire in being able to purchase this lot. He stated that a Council Member's wife had also mentioned that it would make a nice park. He noted that they were all interested in making improvements in their downtown areas so he gave those comments to Mrs. Stultz. He explained that Mrs. Stultz suggested that rather than selling the lot to the downtown merchants it might be better if the city maintained ownership of it and turned it over to the Community Appearance Commission. He noted that they could plant flowers there, a couple of park benches and maybe plant a permanent Christmas tree there. He stated that there was a building adjacent to this lot that needed an exterior wall constructed. There would probably need to be some consideration made with the property owner there.

Mrs. Stultz commented that as she understood from the Chief Building Inspector, they would not know the answer until their engineer provided the city with some sort of plan.

Mayor Price asked if that was the owner of the building.

Mrs. Stultz replied in the affirmative. She explained that several years ago the city pursued action to have buildings on these two properties removed. This was their first opportunity to give them tax maps done by their new GIS mapping system and she noted that if they would look at the lot on the very corner at Henry Street, that particular one did not belong to the city, but the one shaped like an L and the one next to it was owned by the city.

Mr. Tudor commented that he was under the impression that the city had paid a considerable amount for that property. He asked the City Attorney if that was not correct to which he indicated that the city had. Mr. Tudor explained that he was trying to look at a way that would best serve the city and the merchants, where the city would maintain ownership. He added that the merchants had expressed to him in the last week that they would like to be involved in the planting of flowers and trees and things of that sort.

Mayor Price asked Mrs. Stultz if she could come back with a recommendation to which she replied that she could.

Council Member Janney commented that they needed to make sure they were doing this right legally to which Mr. Nooe replied that it belonged to the city.

February 20, 2001

CITY OF EDEN, N. C.

Minutes of the February 20, 2001 meeting of the City Council, City of Eden, N. C.

409

Council Member Grogan stated that he would like to get some clarification as they were talking about the wall facing the property. He stated that any repair that would be done would be wonderful, as long as the property owner repaired it.

Mrs. Stultz explained that was what their question was and they were interested in having their engineer look at it to see if they maybe needed to purchase some property from the city so that the wall could be made permanent. The wall issue was just one that the city was involved in when they were in the process of taking the buildings down.

Council Member Janney commented that they needed to make sure that the City Attorney was involved in the liability part of it.

Mayor Price noted that they would be getting a report (from Mrs. Stultz) next month. He thanked the downtown merchants for coming and for their interest in their town.

NEW BUSINESS

(a) Consideration contract with Spray Volunteer Fire Department for concession stand.

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 contract with Draper Volunteer Fire Department for concession stand.

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

(c) Consideration of adding additional streets to the water line replacement priority list.

The memorandum explained that during the Friday March 9, 2001 retreat, Mr. Benny Sexton, Municipal Services Director, mentioned that the city would like to add Cascade Road to the water line replacement list due to the number of line breaks experienced in the past year. This line consists of a six-inch plastic line from Meadow Road to the intersection of Main Street and a two-inch plastic line from this intersection to the last water customer on Cascade Road. They also need to add that portion of Main Street from where it intersects with Cascade Road to the city limits.

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

(d) Consideration of Resolution in support of the location of the Federal Express Mid-Atlantic Hub at Piedmont Triad International Airport.

RESOLUTION SUPPORTING THE LOCATION OF THE FEDERAL EXPRESS MID-ATLANTIC HUB AT
PIEDMONT TRIAD INTERNATIONAL AIRPORT

WHEREAS, the Piedmont Triad Region is losing significant jobs as many companies close or reduce their workforce; and

WHEREAS, there are not an adequate number of new jobs available in the region for dislocated workers to find employment and many available jobs are low-wage service jobs that do not provide adequate incomes for many families to meet their basic living expenses; and

WHEREAS, as unemployment rates increase and wages and income fall, the demands on local government services are increasing, and new revenues are diminishing because of the region's declining economy and a lack of new business and industry moving into the region; and

WHEREAS, the Piedmont Triad International Airport is an important regional asset that serves over two million residents in the Piedmont Triad region and beyond; and

WHEREAS, the Piedmont Triad International Airport improvements have been paid for predominately with federal funds, supplemented with state funds and funds of the Piedmont Triad Airport Authority; and

February 20, 2001

CITY OF EDEN, N. C.

Minutes of the February 20, 2001 meeting of the City Council, City of Eden, N. C.

410

WHEREAS, the Piedmont Triad International Airport was selected over five competing airports by Federal Express Corporation as the site of its proposed Mid-Atlantic Overnight Express Air Cargo Sorting and Distribution Facility (the "Mid-Atlantic hub"); and

WHEREAS, Federal Express is one of the world's leading logistics and transportation companies, and the company is regularly ranked as one of the best employers in America; and

WHEREAS, the Mid-Atlantic Hub is a very important regional project that will be a catalyst for new investment and job creation throughout the Piedmont Triad region, the impact of which has been estimated by the Federal Aviation Administration to be over 16,000 jobs, \$7.5 billion in total economic impact, \$633 million in new state tax revenues, and \$212.5 million in local tax revenues over the period 2005-2019; and

WHEREAS, the Federal Express Mid-Atlantic Hub will provide a much needed economic stimulus to the entire region, which must work together if the region is to maximize its economic potential and the quality of services provided to the region's citizens;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City of Eden supports the location of the Federal Express Mid-Atlantic Overnight Express Air Cargo Sorting and Distribution Facility at the Piedmont Triad International Airport.

Philip K. Price, Mayor

The foregoing Resolution of the City of Eden was duly adopted at a meeting of the City Council on March 20, 2001.

(e) Consideration of Traffic Study on Harrison Street for "No Thru Trucks" sign to be installed.

Mayor Price explained that Council Member Janney had made this request for a study of Harrison Street for the installation of a "No Thru Truck" sign being installed on Harrison Street.

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

CONSENT AGENDA:

(a) Approval and adoption of minutes – February 7 and 20, 2001.

(b) Approval and adoption of a motion to a public hearing to consider rezoning property at 525 NC 700 West along with two extra properties from Residential-20 to Residential-Suburban as amended. ZONING CASE Z-01-01.

(c) Approval and adoption of a motion to hold a public hearing on April 17, 2001 regarding community block grant funds.

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

ORDINANCES AND RESOLUTIONS:

(a) Adoption of an ordinance closing an unopened portion of an unnamed street east of Highway #14 South. STREET CLOSING SC-00-04.

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

VOUCHERS:

There was no discussion.

February 20, 2001

CITY OF EDEN, N. C.

Minutes of the February 20, 2001 meeting of the City Council, City of Eden, N. C.

411

CLOSED SESSION:

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

A motion was made by Council Member Tudor seconded by Council Member Gover to go into Closed Session for discussion of personnel according to GS 143-318.11(a)(6) and to consult with the City 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 Reynolds seconded by Council Member Gover to return to Open Session. All Council Members present voted in favor of this motion. This motion carried.

ADJOURNMENT:

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

Respectfully submitted,

Kim J. Scott
City Clerk

ATTEST:

Philip K. Price
Mayor