

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, October 16, 2001 at 7:30 p.m. in the 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 Janney
	Christine H. Myott
	Garry Tudor
	William W. Rorrer
	C.H. Gover, Sr.
City Manager:	Brad Corcoran
City Attorney:	Charles J. Nooe
City Clerk:	Kim J. Scott
Deputy City Clerk:	Sheralene Thompson
Representatives from News Media:	Leslie Brown, <u>Greensboro News & Record</u> ; Douglas Grant, <u>Eden Daily News</u>

MEETING CONVENED:

Mayor Philip K. 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:

Mayor Price called on Mr. Ronnie Overby, Eden Fire Chief, who was present to give the invocation.

PUBLIC HEARINGS:

(a) Consideration of a zoning text amendment request to amend Section 11.24 (1) (3), (1-a)(3) and (m)(3) and Section 11.29 of the City of Eden Zoning Ordinance as it applies to buffers. Request submitted by the Planning Board. ZONING CASE Z-01-07.

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

Mrs. Stultz explained that this was a particular zoning case that was perhaps one of those things that she knew there was a problem, but it really stuck in her mind when she had a complaint during this past summer about a buffer that was obviously needed on a particular spot. She stated that what they realized was, that several sections of their zoning ordinance, rather than saying that a buffer was required and here were the following options that they would require, said that the Planning Board may require a buffer. So, what that meant was that every time that there needed to be one they would have to take it to the Planning Board and so forth. She explained that it was both her recommendation to the Planning Board, and theirs to the Council that in the circumstances that the City Council had already decided that a buffer would be necessary, that they should be put in all places and not just the ones that got brought to them, and that they (city) should be able to require them routinely. She explained that was generally the way that most jurisdictions do it. This did not change the buffer requirements themselves, in any way, shape or form, the definition for them was the same, but it takes out the language that says that it may be required rather than it was required. She stated that most of the residential districts have a little bit different requirement in that they said, or the business district said that a buffer shall be required as defined, and so that was just what they want to do, was just make it consistent throughout the zoning ordinance.

Mayor Price asked if there were any questions of Mrs. Stultz.

Council Member Rorrer asked if this would apply for the existing situations.

Mrs. Stultz replied that the only time at this point they could invoke it and that was just basically an interpretation that has been in place for a long time, was if some change was made on the property or they could prove that since the time of the zoning that a change had been made so they could, she thought it would apply in most circumstances, but obviously not all. She explained that if they have an industry that was out there already and nothing new happening she might not be able to require them to do anything at this point. It was like anything else, when the changes were made.

Council Member Janney stated that he had a question. He referred to number four (4), in the old definition it says "a 6' high open type fence with evergreen vegetation placed facing the adjoining property and completely blocking the view from one area to another", now they have some buffers put up, they got one put up recently, that only had the evergreen.

Mrs. Stultz replied yes and the one that she and Council Member Janney talked about several times, and the one that was up recently, she really did not think it meets the requirements. It was possible to put up just evergreens and the Planning Board has allowed that in the past, but she did not think that that particular one actually meets the requirements because there was just one row and there were gaps, big gaps, but what she was going to do was wait and see what kind of decision the Council made tonight before she wrote to them and told them what they were going to have to do next.

Council Member Janney stated, okay, she would follow up on that.

Mrs. Stultz replied, oh yes sir, she just was waiting until they got through this hearing.

Council Member Janney stated okay that was fine.

Mayor Price asked if there were any other questions.

Mr. Tudor replied that he had a question. He could think of three instances inside the city limits where individuals have constructed an extremely high fence, 12' tall or taller and on one occasion, a year or so ago, he asked the former City Manager, Mr. Bine, to look into one. He stated that he (Tudor) did not know what it violated, but it has got to violate something being that tall. He asked if such an ordinance, also it could be used to say they have an inappropriate buffer by having put up a 12' fence between their house and right up against their neighbor's deck.

Mrs. Stultz replied that unfortunately there was more than one thing that folks like her call "spy fence" in this community and they have got at least one where it created a visibility problem and they made them cut a big hole in it. She stated that she did not think, and Mr. Nooe could probably say better than she, but she did not think this would put a prohibition on, because this was not a limitation of height, it says it has to be a minimum of 6', but she guessed if the Council as a group wanted her to look into that and see what they might be able to do she would be happy to.

Council Member Reynolds stated that in other words they could put up a 4' fence.

Mrs. Stultz replied that if they were putting up a fence that was not a buffer requirement they know if they have a situation where the ordinance says, if they have an industrial use that adjoins a property that was used as a residence they have to put this up, then it would have to be a minimum of 6', but if a person and their next door neighbor, and they decide they want a privacy fence, they (city) really did not have any ability to regulate how tall it was.

Mayor Price asked if there were any other questions.

Council Member Grogan asked would not everything be grandfathered before tonight.

Mrs. Stultz replied that the stuff they have out there, this was one of those times where she was not sure that there was a clear answer to that question because what the ordinance says was that the Planning Board "may require", at a minimum this would give the city the ability to handle it in the future better. Yes, she thought they were kind of stuck with what was out there.

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Council Member Gover added that they keep in mind that on the height of those fences, trees were 20' tall and they were using those.

Mrs. Stultz replied yes and a lot of time the natural buffer in place were probably a better screen that what the manmade one could be and that was why it leaves that in place as an option, but it will let them make them, if they did not maintain that, go back and put that in.

Mayor Price asked if there were any other questions. He then proceeded to open the floor for those who would like to speak for or against this proposal. As no one came forward to speak, Mayor Price then declared the public hearing closed and asked the Council for a decision.

A motion was made by Council Member Gover seconded by Council Member Rorrer to accept the recommendation as presented. All Council Members voted in favor of this motion. This motion carried.

(b) Consideration of expenditure of 2001 Local Law Enforcement Block Grant Funds from Federal Government.

Mayor Price called for a public hearing to hear comments regarding expenditures from this Law Enforcement Grant. He then called on the City Manager for any comment that he may have.

Mr. Corcoran thanked the Mayor and explained that as each of them were aware, last month the City Council approved or gave authorization to proceed with applying for this grant. In addition the Council set aside from the Contingency Fund, \$2,319.00, as the required match, and voted to hold a public hearing for this evening. Tonight's public hearing was to hear any comments for the seven- (7) purpose areas for which the grant funds could be spent. He added that he thought each of those general purpose areas were included in the Council's packet and he then left that for their consideration.

Mayor Price asked if there were any questions of the Manager. As there were no questions, he explained that at this time they would ask if anyone would like to come forward to speak in favor or in opposition, or to make comment about how this money should be spent from the grant. He then asked that when they come forward to please give their name and address.

Mr. Roger Brown, 211 Gracie Street, explained that the question that he had was what areas were they talking about spending this grant money. What areas were included?

Mayor Price referred the question to Mr. Corcoran.

Mr. Corcoran explained that the seven purpose areas, as they define them through the Federal Government, were (1) to support law enforcement, and then it has a variety of things there such as hiring, training, and employing on a continued basis, law enforcement officers. (2) And second area was in enhancing security measures; this could be anything that they were doing in and around schools, and school systems. (3) Three was to establish or support drug courts and (4) the fourth area was the enhancement, the adjudication of cases involving violent offenders. (5) Five, they could use it for multi jurisdictional task forces, depending upon, regardless of whether it was for drug enforcement or what have you. They could use it for crime prevention programs and they could use it to defray the cost of indemnification insurance for law enforcement officers, so any of those seven areas were allowed.

Mr. Brown explained that he was just not really familiar with it and just wanted to know because he thought they were talking about going around in the community, but they were talking about places in the city government where they need to improve on.

Mayor Price added, in the Police force.

Council Member Rorrer provided Mr. Brown with a copy of it.

Mayor Price asked if anyone else would like to come forward to make a comment about the proposed expenditure of this block grant. Mayor Price asked if anyone else would like to speak and as no one else came forward, he declared the public hearing closed.

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A motion was made by Council Member Grogan seconded by Council Member Tudor to approve this request, leaving it up to the City Manager, in conjunction with the Police Chief as to how this money would be spent.

Mayor Price stated that the city had voted to accept this award, they had voted to participate in it.

Council Member Grogan explained that his vote was how it was going to be distributed and he was saying let the City Manager and the Police Chief...

Mayor Price explained that there was a motion by Mr. Grogan and seconded by Mr. Tudor...

Council Member Janney pointed out that if they look at the last sheet, "the cost may not exceed 10% of the total federal funds utilized in a given purpose area"...so he was reading that as each one of those things you cannot utilize over 10% of the money. He asked the City Manager if that was right.

Council Member Myott commented that was about that renovation.

Mr. Corcoran agreed and stated that was construction and renovation cost.

Council Member Rorrer asked if there was supposed to be a committee that determined where this money was spent.

Mayor Price replied that he was not aware of any committee that was formed.

Council Member Rorrer stated that he was thinking that there was, from the previous ones they have had.

Mr. Corcoran explained that what they have done...

Council Member Rorrer added that he did not have a problem with the motion, he just mentioned it.

Mr. Corcoran replied that what they have done with the past ones, as they were aware, they have just brought those back to the Council's attention, like when they bought the video cameras and other things like that so any of the purchases that they have made in the past they have brought back to the City Council for final approval.

Mayor Price asked if there were any other questions or comments. He then called for the vote.

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

- (c) Consideration of Preliminary Assessment Roll for sewer assessment on Highway 14 and Mebane Bridge according to GS 160A-227. Also receipt of City Clerk's certificate of mailing notices of the preliminary assessment roll and public hearing to property owners, and resolution confirming assessment roll and levying assessments.

Mayor Price explained that the next public hearing was for the consideration of the Preliminary Assessment Roll for the sewer assessment on Highway 14 and Mebane Bridge, according to General Statute 160A-227. Also, the receipt of the City Clerk's certification of mailing notices of preliminary assessment roll and public hearing to property owners and a resolution confirming assessment roll and levying assessments.

He then proceeded to call a public hearing about this assessment and asked if there were any comments from the floor or if anyone would like to make comments about this assessment along Highway 14 and Mebane Bridge Road Outfall line.

As no one came forward to speak, Mayor Price declared the public hearing closed. He asked the City Attorney if the vote would be to...

Mr. Nooe replied that the vote would be to adopt the resolution for the preliminary assessment.

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Mayor Price explained that according to the City Attorney, they would be asking that the City Council adopt the resolution as presented for this assessment.

A motion was made by Council Member Rorrer seconded by Council Member Tudor to adopt this resolution.

Mr. Nooe added that before they left it, they needed to enter into the minutes that the City Council has received from the City Clerk, her certificate.

Mayor Price recognized that they would receive the Clerk's certification that the mailing notice had been made.

Council Member Janney commented that he had asked this question the other day and he did not get an answer. He asked why some of them did not apply in assessments.

Mr. Nooe replied that some of them that were on that outfall did not receive any benefit from this line and the Council previously omitted those because they already had city sewer on another line. That would be the ones that were not being assessed. See for example, up on Harris Street, the line goes under 14 and over to the Sonic and down that street and there was already sewer on that side of the street.

Council Member Janney asked why their names were on there.

Mr. Nooe replied that they needed easements and that was where the line was going. The line passed through their property.

Council Member Janney asked if that was true for both cases to which it was indicated that it was.

Council Member Janney stated that he would not have to ask that question again.

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

RESOLUTION CONFIRMING ASSESSMENTS ROLL AND LEVYING ASSESSMENTS

WHEREAS, the City Council of the City of Eden has on this day held a public hearing, after due notice as required by law, on the Preliminary Assessment Roll for the sewer extension to Highway 14 and Mebane Bridge; and

WHEREAS, the City Council of the City of Eden has heard all those present who requested to be heard, and has found the said Assessment Roll to be proper and correct;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Eden that:

The Assessment Roll for the Highway 14 & Mebane Bridge sewer extension is hereby declared to be correct, and is hereby confirmed in accordance to G.S. 160A-228, and the assessments shown thereon are hereby levied pursuant to authority granted by G.S. 160A-216, as follows:

PRELIMINARY ASSESSMENT ROLL

NC 14 & MEBANE BRIDGE ROAD OUTFALL PROPERTY OWNER FINAL EST. ASSESSMENT COSTS 8/3/01

Based on Actual Costs from this Project

Final Estimated Construction Cost Including Engineering Fees for Project = \$229,758.18

Total Sewer Line Footage for this Outfall Project = 3,979 ft.

Therefore, Per Foot Cost of Sewer Line for this Project is = \$57.74

Sewer Line Footage Prorated Final

Property Owner & Easement # Across Property Assessment Cost

Easement #1 & 1A 600.11 ft. @ 25% \$8,662.59

Charles E. & Patsy M. Rumbley

116 Bogue Ct.

Emerald Isle, NC 28594

#7989-00-25-4001-00

#141342 Parcel ID

Deed Easement 6/20/00, Deed Book 1054, page 636

Sewer Line Footage Prorated Final

Property Owner & Easement # Across Property Assessment Cost

Easement #2 & 2A 600.11 ft. @ 25% \$8,662.59

Gary D. Agee & Kristi C. Agee

3032 Indian Ridge Court

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Eden, NC 27288
#7989-00-14-0744-00
#141303 Parcel ID
Deed Easement July 17, 2000, Deed Book 1054, page 624

Sewer Line Footage Prorated Final

Property Owner & Easement # Across Property Assessment Cost
Easement #3 & 4 N/A N/A
City of Eden

Sewer Line Footage Prorated Final

Property Owner & Easement # Across Property Assessment Cost
Easement #5, 5A, 5B, 6, & 6A 242.27 ft. @ 50% \$6,994.33
KEM, Inc. 258.11 ft. @ 25% \$3,725.82
PO Box 610
Eden, NC 27289
Attn: Martha Hopkins
#7989-00-22-5637-00
#141314 Parcel ID
Deed Easement June 29, 2000, Deed Book 1054, page 632

Sewer Line Footage Prorated Final

Property Owner & Easement # Across Property Assessment Cost
Easement #7 & 7A 140 ft. @ 25% \$2,020.90
Dr. Grady S. Glasscock
PO Box 2161
Eden, NC 27289
#7989-00-22-7866-00
#141317 Parcel ID
Easement Deed 6/20/00, Deed Book 1054, page 644

Sewer Line Footage Prorated Final

Property Owner & Easement # Across Property Assessment Cost
Easement #8 & 8A 228.45 ft. @ 25% \$3,297.68
Michael J. Foley
PO Drawer 7348
Greensboro, NC 27417
#7989-00-22-8637-00
#141318 Parcel ID
Easement Deed June 12, 2000, Deed Book 1054, page 628

Sewer Line Footage Prorated Final

Property Owner & Easement # Across Property Assessment Cost
Easement #9 & 9A N/A N/A
D.R. Development Corp.
PO Box 1107
Eden, NC 27288
Pete Osborne
#7989-00-55-8155-00
#141487 Parcel ID
Deed Easement June 19, 2000, Deed Book 1054, page 640

Sewer Line Footage Prorated Final

Property Owner & Easement # Across Property Assessment Cost
J&T Realty Trust N/A N/A
110 South Park Terrace
Eden, NC 27288
(The Oaks – Piedmont Joint Replacement Office)
#7989-00-32-1994-00

Sewer Line Footage Prorated Final

Property Owner & Easement # Across Property Assessment Cost
Easement #5C 118.11 ft. @ 25% \$1,445.09
Todd M. Muhr & Cheryl Gammel-Muhr
1009 S. Van Buren Road
Eden, NC 27288
#7989-00-22-6081-00
#141316 Parcel ID
Easement Deed Recorded June 15, 2000 Deed Book 1054, page 648

Sewer Line Footage Prorated Final

Property Owner & Easement # Across Property Assessment Cost
Eden Chopper Shop 130 ft. @ 25% \$1,876.55
C/o Martin Hyler
999 S. Van Buren Road
Eden, NC 27288
#7989-00-23-5325-00

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#141326 Parcel ID
No Easement Required

Sewer Line Footage Prorated Final

Property Owner & Easement # Across Property Assessment Cost

Carl W. Nash & Peter Osborne 442.95 ft. @ 25% \$6,393.98
PO Box 1127
Eden, NC 27288
#7989-00-23-4487-00
#7989-00-23-4566-00
#7989-00-23-4727-00
#7989-00-23-4646-00
No Easement Required

Sewer Line Footage Prorated Final

Property Owner & Easement # Across Property Assessment Cost

North Carolina Petroleum Tank Service, Inc. 318.48 ft. @ 25% \$4,597.26
Ms. Lillie W. Hewitt, Registered Agent
1093 Bethlehem Church Road
Eden, NC 27288
#7989-00-23-4919-00
No Easement Required

Sewer Line Footage Prorated Final

Property Owner & Easement # Across Property Assessment Cost

Jimmy Dean Chilton 300 ft. @ 25% \$4,330.50
500 Prospect Street
Eden, NC 27288
#7989-00-24-4116-00
#7989-00-24-4215-00
#7989-00-24-3492-00
No Easement Required

Sewer Line Footage Prorated Final

Property Owner & Easement # Across Property Assessment Cost

Bobby & Ms. Brenda J. Evetts 200 ft. @ 25% \$2,887.00
155 Applegate Drive
Reidsville, NC 27320
#7989-00-24-4603-00

The City Clerk of the City of Eden is hereby directed to deliver to the City of Eden Tax Collector the said Assessment Roll, and the Tax Collector is hereby charged with the collection of the said assessments in accordance with the procedure established by law.

The City of Eden Tax Collector is hereby directed to publish on November 7, 2001 a notice of confirmation of the Assessment Roll, which notice shall set forth the terms of payment of the assessments with the first installment payment to become due and payable on the 60th day following confirmation and the succeeding installments to become due and payable on the same date in succeeding years.

Adopted this 16th day of October, 2001

- (d) Consideration of Preliminary Assessment Roll for sewer assessment on Highway 14 and Harris Place according to GS 160A-227. Also receipt of City Clerk's certificate of mailing notices of the preliminary assessment roll and public hearing to property owners, and resolution confirming assessment roll and levying assessments.

Mayor Price called for a public hearing regarding the Preliminary Assessment Roll for the sewer assessment on Highway 14 and Harris Place according to GS 160A-227 and also a receipt of the City Clerk's certificate of mailing notices of the preliminary assessment roll and public hearing to property owners and resolution confirming assessment roll and levying assessments.

Mayor Price asked if anyone would like to make public comment. As no one came forward to speak, he then declared the public hearing closed and asked the Council for a motion to approve this resolution and also to certify that the Clerk has sent the information to the recipients.

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

RESOLUTION CONFIRMING ASSESSMENTS ROLL AND LEVYING ASSESSMENTS

WHEREAS, the City Council of the City of Eden has on this day held a public hearing, after due notice as required by law, on the Preliminary Assessment Roll for the sewer extension to Highway 14 and Harris Place; and

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WHEREAS, the City Council of the City of Eden has heard all those present who requested to be heard, and has found the said Assessment Roll to be proper and correct;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Eden that:

The Assessment Roll for the Highway 14 & Harris Place sewer extension is hereby declared to be correct, and is hereby confirmed in accordance to G.S. 160A-228, and the assessments shown thereon are hereby levied pursuant to authority granted by G.S. 160A-216, as follows:

PRELIMINARY ASSESSMENT ROLL

NC 14 & HARRIS PLACE OUTFALL PROPERTY OWNER FINAL ESTIMATED ASSESSMENT COSTS

Based on Actual Costs from this Project

Final Estimated Construction Cost including Engineering Fees for Project = \$128,799.88

Total Actual Sewer Line Footage for this Outfall Project = 1,309 ft.

Therefore, Per Foot Cost of Sewer Line for this Project is = \$98.40

Sewer Line Footage Prorated Final

Property Owner & Easement # Across Property Assessment Cost

Easement #1 & 1A N/A N/A

Eden Shopping Center

#7989-10-36-1552-00

Parcel ID #141739

June 15, 2000 Deed of Easement Recorded

Signed by Robert E. Mitzel, Executive VP of IRT Carolina (Deed Book 1054, page 667)

IRT Carolina, LLC

200 Galleria Parkway

Suite 1400

Atlanta, GA 30339

From Tax Office (8/17/01)

Current Owner:

Eden-Hendersonville Shopping Centers, LLC

c/o Milton Cail

106 Access Road

Norwood, GA 02062

Sewer Line Footage Prorated Final

Property Owner & Easement # Across Property Assessment Cost

Easement #2 & 2A N/A N/A

Sonic Drive Inn, Inc.

#7989-10-26-7628-00

Parcel ID #141724

Sept. 22, 2000 Deed of Easement Recorded

Signed by G. Michael Gent, VP (Deed book 1054, page 651)

101 Park Avenue

Oklahoma City, OK 73102

Attn: Ms. Jane Turnbell

From Tax Office (8/17/01)

Attn: Rona Warren

101 Park Avenue

Sonic Industries

Oklahoma City, OK 73102

Sewer Line Footage Prorated Final

Property Owner & Easement # Across Property Assessment Cost

Easement #3 15 ft. @ 25% \$369.00

Venture Properties

#7989-00-26-4314-00

Parcel ID#

June 7, 2000 Deed of Easement Recorded

Deed book 1054, page 678

Harris Place Outfall

PO Box 843

Wilksboro, NC 28697

Attn: Cam Finley

Sewer Line Footage Prorated Final

Property Owner & Easement # Across Property Assessment Cost

Easement #4 100.31 ft. @ 25% \$2,467.63

Central Animal Hospital

Ginger J. Williams

#7989-09-26-4414-00

Parcel ID # 141709

June 8, 2000 Deed of Easement Recorded

Deed Book 1054 page 671

Ginger J. Williams

Timothy S. Williams

807 S. Van Buren Road

Eden, NC 27288

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Sewer Line Footage Prorated Final

Property Owner & Easement # Across Property Assessment Cost

Easement #5 100 ft. @ 25% \$2,460.00

Daljon, Inc.

(C. Raymond Wright & Others)

#7989-09-26-4514-00

ID #141710

June 6, 2000 Deed of Easement Recorded

Deed Book 1054 page 659

c/o Fagg, Fagg & Nooe

607 Washington Street

Eden, NC 27288

Sewer Line Footage Prorated Final

Property Owner & Easement # Across Property Assessment Cost

Easement #6 & 6A 200 ft. @ 25% \$4,920.00

First National Bank of Reidsville

FNB Southeast

#7989-09-26-3678-00

ID # 141703

June 26, 2000 Deed of Easement Recorded

Deed Book 1054 page 663

PO Box 2037

Reidsville, NC 27323

Sewer Line Footage Prorated Final

Property Owner & Easement # Across Property Assessment Cost

Easement #7 & 7A 151.58 ft. @ 25% \$3,728.88

Frank King Jr.

#7989-09-26-4903-00

ID #141711

June 7, 2000 Deed of Easement Recorded

Deed Book 1054 page 685

King Chandelier Co.

PO Box 667

Eden, NC 27289

(Franklin W. Ricks)

Sewer Line Footage Prorated Final

Property Owner & Easement # Across Property Assessment Cost

Easement #8 & 8A 100 ft. @ 25% \$2,451.00

King Chandelier Co.

#7989-09-27-4005-00

ID # 141715

June 7, 2000 Deed of Easement Recorded

Deed Book 1054 page 681

King Chandelier Co.

PO Box 667

Eden, NC 27289

Franklin W. Ricks, Sr.

Sewer Line Footage Prorated Final

Property Owner & Easement # Across Property Assessment Cost

Easement #9 & 9A 20 ft. @ 25% \$492.00

J.S. of Eden, Enterprises, Inc.

#7989-09-27-3218-00

ID #141714

May 26, 200 Deed of Easement Recorded

Deed Book 1054 page 689

(Wayne Jones Ford Property)

PO Box 590

Eden, NC 27289

Charles Nooe, VP

The City Clerk of the City of Eden is hereby directed to deliver to the City of Eden Tax Collector the said Assessment Roll, and the Tax Collector is hereby charged with the collection of the said assessments in accordance with the procedure established by law.

The City of Eden Tax Collector is hereby directed to publish on November 7, 2001 a notice of confirmation of the Assessment Roll, which notice shall set forth the terms of payment of the assessments with the first installment payment to become due and payable on the 60th day following confirmation and the succeeding installments to become due and payable on the same date in succeeding years.

Adopted this 16th day of October, 2001 at ____ o'clock p.m.

Mayor Price explained that this concluded the public hearings.

MONTHLY FINANCIAL REPORT:

The Council had before them a copy of the City of Eden's Financial Statements for the month of September. This packet included Summarized Revenue Statement by Fund; Summarized Expense Statements by Department by Fund; Fund Summary comparison for September 2001 versus September 2000; Specific Fund comparison for September 2001 versus September 2000; and Cash comparison for September 2001 versus September 2000.

Mayor Price explained that this information would be presented to the Council by Mrs. Dala Stanley who was the Accounting Coordinator. He then asked Mrs. Stanley to come forward. He noted that they had the attachment and Mrs. Stanley and her department have done an excellent job in giving them notes and background information and he could tell them it was really helpful to the Council as they go through this for the adjoining notes and every week it looks like they increase and it certainly helps them understand this sometimes very difficult financial statement. He asked if anyone had any comment or questions about anything on the financial statement as such. He noted that it covered the General Fund and all the funds associated with it.

A motion was made by Council Member Grogan seconded by Council Member Gover to accept the Finance Report as presented. All Council Members voted in favor of this motion. *(It is noted that Mrs. Stanley did not have to speak before the Council.)*

REQUEST AND PETITIONS OF CITIZENS:

Mayor Price explained that now was the time that the Council set aside for anyone who would like to address the Council about items that were not scheduled on the regular agenda. He asked if anyone would like to come forward to ask questions of the Council or to make public comment and he noted that the floor was open at this time. He asked that, as they came forward that they would give their name and address as this meeting was transcribed and later typed into regular formal minutes.

Ms. Martha Hopkins addressed Council regarding a Park Committee request:

Ms. Martha Hopkins, 821 Oak Ridge Drive, explained that she was a member of the Eden Park Committee and she was there to request the Council's permission to apply for approximately \$92,000 from McDonald's for a baseball field. She stated that she thought that most of them were aware that they were now in the process of developing Phase I of the Park. She stated that the baseball field was included in the master plan for Phase II. They have gotten approached by a parent's group that had expressed a lot of interest in the need for a baseball field. She stated that they realize that the funds at the city were limited and the committee had been invited to put in a request for grant funds from McDonalds and she was there to ask for their permission to do that. Council Member Grogan asked if any matching funds would be required from the city.

Ms. Hopkins replied no matching funds would be required.

A motion was made by Council Member Gover seconded by Council Member Reynolds to approve a request by the Park Committee to apply for a McDonald's Grant to use towards a baseball field at the new City Park. All Council Members voted in favor of this motion. This motion carried.

Question by Council Member Janney regarding Park Budget:

Council Member Janney stated that he had a question that he wanted to ask the City Manager. He stated that last month they talked about money that needed to go from the Park's budget back to the Public Works budget. He asked if that had been corrected.

Mr. Corcoran replied that they did have a detailed listing of that. He met with one member of Council and informed them that that list had been prepared showing exactly what work had been done by the departments so that was in the process of being done. They have recognized all the work that had been done. It had been broken down by department and he had a typed sheet that showed all that work and the amount. He added that any member could see that.

Council Member Janney asked if the Council would get a copy of that to which Mr. Corcoran replied that he could send it out in his weekly report if he would like.

Mr. Jerry Epps addressed Council regarding Police Department concerns:

Mr. Jerry Epps, 516 Victor Street, explained that he was a little bit concerned with the cutting of the Police Department, that was in the paper following the last month's meeting and he would like to say that due to the fact that what has happened in Washington, (and) happened in New York, and they needed, if there were any plans to cut the Police Department or fire anyone, that they might ought to take a second look at that and consider leaving things alone, especially with the un-safety attitude that seemed to be spreading the nation and the uncertainty. He stated that he felt that for the time being they should leave their Police Department alone, leave their Chief alone, he thought he was doing an extraordinary job, he had won awards lately, as they all knew, and he has given his service to the city, even though he was sick at one time, his department supported him, he worked, and when they had the uprising about the discrimination, he was able to ride that through, and the department supported him. He walked the neighborhoods with signs in areas that were known to be drug areas and proclaimed to them that they were not going to have any drugs, so he had been a very hard worker. He stated that he thought he should be considered as a person of expertise, someone that has quality and performance has been, in the circles that he (Mr. Epps) walked in, had been great. His department was doing a good job, he did not find any of them loafing, and anytime he had ever had to call for an officer they were always there. Anytime he had ever asked the Chief to call he had called and he hoped this was not true. He added that he thought it was a slip of the tongue from someone at the last meeting that caused this to come up to start up with when it was talking about getting a car. He stated that he felt like if the different department heads, such as the Chief, approached the City Manager and asked for something, let the City Manager present that to the Council and if they could not give it to them (department head), then just tell them no and do not make extra comments. He pointed out that extra comments could send fear into the people and cause them to worry about safety and he thought personally, they have a great Police Department and a great Chief and they have done an admirable job and if there were any plans for any cuts, he would hope they would reconsider and hold off and keep things as they were. He then thanked the Council.

Mayor Price asked if anyone else would like to come forward to speak to the Council.

Council Member Rorrer commented that he gathered that the Mayor did understand when someone was grandstanding and when they were not, and that was all he was going to say.

Council Member Janney commented that he did not think so.

Mr. Bobby Stratton addressed Council regarding water problems:

Mr. Bobby Stratton, 1214 Forest Road, asked if it was illegal for him to get a permit to dig a well over there so he could have some water.

Mayor Price asked if anyone could answer that question for him. He then referred to the City Manager and stated that he took it Mr. Stratton was still having water problems.

Mr. Stratton replied that if he flushed the commode he did not have enough water to brush his teeth or wash his hands over there.

Mayor Price asked if his neighbors were having problems.

Mr. Stratton replied that he heard some of them say that they did but he did not know.

Council Member Rorrer asked if he was still getting mud in his filter.

Mr. Stratton replied that he checked it and he was not sure that there was mud in there. He had changed it twice since he had brought them that filter. He added that he understood that they did not have any records of when they dig the streets up over there. He noted that about a month ago it was dug up again.

Mayor Price asked if his pressure had been checked at his house and had his pressure been within the range it was supposed to be.

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Mr. Benny Sexton, Public Works Director, replied that it had been checked. He explained that it was all low. He stated that it goes out and makes a circle in that area. They all have low water and he did not know why. He suggested a hydraulic problem.

Council Member Janney asked if it had gotten worse since it was dug.

Mr. Sexton replied no. They were continuously running checks and it all stayed about the same.

Council Member Janney stated that the way he had been hearing this story, he got him to bring that filter at the other meeting, his water pressure, and he could speak for himself, has been dropping when they go in there and start digging, for some reason or another. Have we added on any way over there or has something happened to cause the water pressure...he had never known anybody complain about water pressure over there in the past.

Mr. Sexton replied that it was service laterals...

Mayor Price asked Mr. Sexton to come to the podium as they were having trouble hearing him from the audience.

Mr. Sexton explained that right after Mr. Stratton was there once before they installed a filter and he had left it there for greater than a week and received no problem with the coloration of his water at the meter, pressure wise, it was average in that area, for about all of the west end of town.

Mayor Price stated that about a month ago he had a complaint about low water pressure and they checked over there and certainly he was sure that the other people who have been there a few years, they never hear of water pressure problems in that area. He asked how old that water line was.

Mr. Sexton replied that it was fifty (50) years or more. He added that all of the lines were old and they had to understand that people were adding more fixtures on to their homes now day, dishwashers, and things that demand more water. He stated that right now their building code requires a three quarter inch service line and requires a three quarter inch tap to service a house in the low pressure areas. This was going to have to be upgraded one of these days because of the fixtures put in those houses and a lot more water use.

Council Member Gover asked if this line was on the list to be replaced anytime soon.

Mr. Sexton replied yes it was on the replacement list but the replacement list was dead as of now. He added that they needed to understand that he was just on a two-inch line. A two-inch line was feeding up by his home that loops in there and comes back down to Robin Road which was a six. Again, that was what they were doing in the two-inch line water replacement program was trying to upgrade those to give better water. Cleaner water plus up the pressure a little bit if possible and they had to kill that program.

Mayor Price asked that other than the engineering that was done for the two-inch water line replacement had there been any other examination of that area by engineers in the last five (5) years.

Mr. Sexton replied no they knew what the problem was, they needed to upgrade the line to a six-inch and loop it in there, but they did not have the money right now. It was an old galvanized line and sometimes he was going to get rust.

Mayor Price asked Mr. Stratton if pressure was his problem now.

Council Member Janney commented yes, but it was the line.

Mr. Stratton replied that they did not have hardly enough pressure if they did not have enough running in the house to even push the button on the shower and get the showerhead to stay open. Council Member Janney stated that they all knew that they were short on money and to him, the public ought to know the situation they were in with money with Water & Sewer and the General Fund both, and that did not help his (Stratton's) problem, it did not help anybody's problem, but they were in a large deficit when it comes to money, when they take large sums of money out of

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their temporary investments just to operate, they know they have a problem. Some where or another they had to address those problems.

Mayor Price stated that they have talked about this problem in other areas of town and they just about talk it to death, and then in one case they had a completely different viewpoint on it and the situation got taken care of just by looking at the problem different. It seems to him like they have looked at every area in town with this same problem with some outside expertise in this thing and it was time for them to take some look at that area. He really did think they needed to do that, and they were talking about spending a lot of money, but if they were taking care of a problem by doing things differently, and he did not see a whole big, multi million dollar pipe line go in and the problem was straightened out. He stated that it seemed to him at least they might could take a stab at it and take a look at it. This man was a customer of the city and paying good money for the service, he deserves and he was very understanding and they could do something to take a look at it. He stated that he was talking about their consulting engineer. He stated that he did not think they ever looked at this problem over there and something has happened, because they just started getting complaints in the last several years.

Council Member Janney asked if that was a two-inch galvanized line.

Council Member Grogan pointed out that people had been complaining at Price Park for the past twenty (20) years about water pressure.

Mr. Sexton explained that six-inch comes up where Forest Road begins and then it reduces to a two and then it goes up to Smith and back down and comes back and joins onto the six again and loops over to Norman. The biggest majority of Robin and Smith and those were two-inch galvanized line.

Council Member Janney commented that all of them knew what happened to galvanized lines and it takes money to replace them. He stated that they could engineer them to death but they were not going to accomplish nothing until they get in there and replace it.

Council Member Myott asked if all of that extra building in the area of Norman Drive have any affect on this, she knew that they did have the six-inch line there, all those new houses down there.

Mr. Sexton replied that a couple of years ago they had to upgrade the water line on Norman Drive. That was on the two-inch water line replacement program and yes, the building did push the city to upgrade the line a lot quicker because the demand was there. It was already on the replacement program, just like this line was on the replacement program, but it was not high priority, it was on down the list. He noted that the city had others, they had some that just did not have water at all. He stated that they have bad water problems in this town with those two-inch water lines.

Council Member Gover commented that he thought they should let their City Manager handle those problems.

Council Member Myott stated that she did understand his problem though because it was in her area also.

Mr. Sexton agreed that he had the same problem in his area.

Mayor Price explained to Mr. Stratton the City Manager and Mr. Sexton would get together and look at this and he wished he could wave a magic wand. He stated that this was not something that he wanted to hear but they would begin to work on it and take a look to see if anything could be done.

Mr. Stratton added that he understood that there were some new houses that had been built and put on this line and he did not know if they had been finished.

Mr. Sexton replied that the six-inch came across the woods over the back of Norman Drive.

Mr. Stratton stated he understood it was at the end of Forest Road down below the school there.

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Mr. Stratton then thanked the Council for letting him speak.

Mayor Price asked if anyone else would like to come forward to speak to Council.

Mr. Nelson Hairston, 911 Georgia Avenue, stated that he heard the Council say that they did not have any money. He stated that in the area where he lived they had the same problem with water pressure, Hairston Street, Georgia Avenue, Gracie Street, Charlie Street, the whole area had really low pressure and water problems. He asked if there was anybody who would come to their aid to help them with money. He asked if they had asked the Federal Government. He stated that they needed money and asked if there were any grants out there that would help them.

Mayor Price replied that there were a lot of different things that were looked at now. He stated that he could tell them something right now that would come to the Council in probably a month for a specialized project. He stated that there were grant monies for specialized applications within the community. There were also monies out there that could be used for low interest loans and their Manager at this time was looking at a lot of different things and has a lot of different things in mind. Everybody was cognizant of the fact that those problems could not go on much longer and frankly people have been very patient, but they all know that something had to give and he was looking at several alternatives to present to the city later on, but bear in mind he had to have a complete understanding of what had to be done, what was going to cure the problems and so forth. He stated that it was not an issue that was not being looked at.

Mr. Hairston commented that he thought there may be some money available, people just did not give up money, but if they ask and they have a legitimate request to ask, most of the time there were some aids that would help them out. If this happened that they get some money to help the water problem, please do not forget the area where he lived, Hairston Street, Georgia Avenue, Gracie Street, Charlie Street, that area, they were some of their good citizens and he asked that they not forget them.

Mayor Price asked if anyone else would like to come forward to speak.

Council Member Janney addressed Council regarding remarks made at a past meeting:

Council Member Janney commented that he wanted to say something before he closed. Evidently some people did not realize what was going on in this town, to say things that they say. He explained that he had said some things there that he thought were referred to at the last meeting. Those things that he said were true. Those things that were done needed to be done. Now, the city was looking at several things to try to come up with a better operating system. They did not go out and just spend money to be spending money, from this chair right here. During the conversation, all the eyes were focused right there on him, because he had said it. There was a study that was going to be made of personnel; the City Manager could tell them that it was going to be made. Whatever fell out of it would fall out of it. They were not trying to hurt anybody by doing it, they were trying to get the most bang for the bucks for the citizens and still provide a safe service. So, if anybody wanted to understand anything about what he said, they ought to come to him and ask him and he would be glad to tell him a whole lot more than what they would hear from this podium up here, about what was going on. He then thanked the Mayor for letting him speak.

ADDITIONS OR DELETIONS:

Mayor Price stated that before they continue on to the Unfinished Business and get into the agenda items, he failed to ask if anyone would like to add or delete anything from the regular scheduled business.

He stated that he did have one item that he asked to be removed. It was item 8(f) and on New Business (*Consideration of traffic request by NCDOT for No Parking on Van Buren Road*). He asked if there were any other items they would like to add or delete.

A motion was made by Council Member Gover seconded by Council Member Myott to delete item 8(f) under New Business. All Council Members voted in favor of this motion.

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UNFINISHED BUSINESS:

- (a) Consideration of resolution requesting NCDOT to designate Fieldcrest Road (SR3005) as NC 700.

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

RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS TO CHANGE A SECTION OF THE
EXISTING ROUTE OF NC HIGHWAY 700

RESOLVED by the City Council of the City of Eden, North Carolina, that the Department of Transportation, Division of Highways is hereby requested to move the location of Route 700 back to Fieldcrest Road. (SR 3005).

APPROVED, ADOPTED AND EFFECTIVE this 16th day of October, 2001.

CITY OF EDEN

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

ATTEST:

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

- (b) Consideration of hydraulic pump - informal bid results and recommendation.

The memorandum presented to Council explained that three informal bids were received for a trailer mounted hydraulic pump. The pump will be used to pump liquids containing high concentrations of organic and inorganic solids at the wastewater treatment plants. Funds for this purchase were approved in the 2001-2001 budget. The following summarizes the bid results:

Godwin Pumps - \$23,328.00
Hinson Pump Rental - \$24,875.00
MSP Rents - \$25,475.00

Informal bids were taken for this equipment in accordance with North Carolina bid procedures for equipment under \$30,000.00. The hydraulic pump offered by Godwin Pumps is the lowest bid and has a higher horsepower power pac and the pump head assembly best suited for the city's operational needs. The Godwin bid also included 110 feet of hose that was not included in the other bids. Sales tax and freight will be added to the invoice cost listed above.

Funds in the amount of \$26,000.00 for this purchase were requested and approved in the FY 2000-2001 budget, in account #30-7130-57000. As of date, the unencumbered balance of this account is \$40,000.00 as per the most current budget amendment last month.

It was recommended and requested that the City Council grant authorization to purchase the specified trailer mounted hydraulic pump from Godwin Pumps of America, Inc.

A motion was made by Council Member Janney seconded by Council Member Grogan to approve this recommendation (awarding the contract to Godwin Pumps \$23,328.00). All Council Members voted in favor of this motion.

- (c) Consideration of proposal for commercial solid waste contract.

The Solid Waste Division has received a proposal from Waste Management of the Piedmont, the current contractor for Eden's Commercial Collection Service. Waste Management has provided this service through contract since 1992. The current contract was renewed December 11, 1998 with a 3% increase with all other terms of contract remaining the same and an additional option to renew upon mutual agreement of both parties.

Waste Management has submitted a proposal to renew the current contract with the city with the following changes:

2.72% increase in the service rate for each size container. Rate is to be applied to each level of service for 4 cubic yard, 6 cubic yard and 8 cubic yard containers.

\$1.00 per month increase on rental rate for each size container provided.

No additional increases in rates by Waste Management during the 3-year term of this contract.

Waste Management will provide every other week service to customers that qualify thus cutting the service cost to one-half the service cost for 1 x weekly.

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Waste Management will provide waste stream evaluations for some of the commercial businesses.

Waste Management has provided dependable and stable service to Eden's Commercial Customers for approximately ten years. Waste Management has continued to provide added features in their operation that has enhanced the service to Eden's Commercial Customers. The rates are very competitive based upon a recent survey of vendors who provide such services in the region.

The Solid Waste Committee recommended that the city renew the existing contract with Waste Management for three years. The additional terms stated in the proposal submitted by Waste Management are included with the option to renew upon mutual agreement of both parties. The projected yearly cost for this service is \$128,000.00.

Council Member Janney stated that he would like to ask a question. He asked why they would not bid this contract.

Council Member Myott referred the question to Mr. Jerome Adams, Solid Waste Superintendent.

Mr. Adams explained that the reasoning behind this, first of all, not to put this out to bid this year because in their original contract, it was stipulated that this contract, the option would be there for renewal on the mutual agreement between the two parties, and based upon the current trends and the information received from respective vendors, it would not have been advantageous for to put it out on the table.

Council Member Janney stated that they should have had those numbers. He stated that he thought they have asked for that before. If they were going to go up on something and they were going to charge the residents more, or in this case the commercial people, then put it out for bid or give the Council all the information he had. He was talking about one dollar per month. That did not sound like much.

Mr. Adams explained that the dollar per month as it was shown in the information conveyed to the Council was in regard to the rental of containers. The customer has the option to purchase the container or to rent the container that was a service that was provided to the customer. Doing this contract, or since 1992, there have not been any increases in the rental rates for containers. During this time they also acquired additional featured services to the customers, that the customers were asking for and that was for containers that they could actually lock out to restrict others from actually putting waste into their containers. That was a feature that none of the other contractors have offered or had available for them, so this was a plus for the commercial customers. Based upon the duration of time that there has not been an increase of the rental rates, he felt that Waste Management was well justified in this increase and not only that, none of the other contractors could provide a container at that rate that they were currently getting, even with the increase.

Council Member Janney replied that he heard all of that but he was talking about a \$128,000 a year cost for this service and they just automatically give it to the next man up.

Council Member Gover commented that it was discussed in the Solid Waste Meeting and those questions were put to Mr. Adams. He stated that he showed justification, by simply what he was saying tonight. He did not change it a bit. Also, he showed where the customer would save money by doing away with one of the contract rules, which was the CPI charge that was now placed on the citizen or the vendor. So, in essence they were rearranging the contract more or less and they (Committee) asked the same question about other bids or copies and they could not come up with what Waste Management did, so the Committee did approve coming to the Board tonight.

Council Member Janney replied that was fine, if they wanted to do it.

A motion was made by Council Member Grogan seconded by Council Member Myott to approve this recommendation as presented (by the Solid Waste Committee, approving contract with Waste Management of the Piedmont).

Council Member Rorrer commented that he had a question. Waste Management would provide every other week service for customers that qualify that was the part that bothered him.

Mr. Adams replied that some customers, especially ones handling food, restaurants, some of them would have to have (pickup) once a week.

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Council Member Gover added that he did not oppose Mr. Janney's request for the bids, as he thought they should have bids in the future.

Council Member Janney commented that he thought they ought to get a legal opinion on this because he had a problem with it.

Mayor Price stated that during the course of discussion on the Solid Waste Committee, which there was a committee and it was put together and formed by the City Council to look at all issues in regard to waste and certainly this contract. He asked how much discussion was put into the bidding process.

Mr. Adams replied that this was discussed at length in terms of the reasoning behind not putting this out, in fact he had discussed this in length with the City Manager prior to any course of action being taken on this project. They actually started on this back in August in terms of working to develop or to get to a point that they could actually get a contract negotiated or renewed. Their major concern was here that the market trends for this type of service was well above or beyond the trends that they were now experiencing with their cost in this city for this service. He stated that if they put this back on the table to bid it out, their fears were that they were going to come up with a much higher rate for their commercial customers and they would not have any recourse to deal with that unless they were in a position to come in and take it over themselves and come under the cost that Waste Management was providing to them today. And looking, based upon that, based upon their calculations and in dealing with this, they could not come within a three year period and beat Waste Management at their cost. For a long duration of time, yes they possibly could do that, but did the city want to get back into that particular aspect of this service. He added that he was not saying that they could not do it, but did they want to do that at this time. He explained that for that reason it was why they did not feel it was in the best interest of their commercial customers nor the city, to put this back out on the table and bid it out again at this time.

Mayor Price asked Mr. Nooe if he had a take on this in regard to any contracts.

Mr. Nooe replied that he really did not look at this in view of the projected yearly cost to see if under the public bidding statutes that it was a contract that would have to be advertised. If they wanted to approve it subject to him looking at it tomorrow verifying that it did not have to be advertised, then that would be all right.

Mr. Corcoran added that it would be worthy to note what Jerome had said the current contract that was adopted several years ago by the City Council clearly had language in there that the contract could be renegotiated by both parties without bidding it out. So, that was in the existing contract that was adopted by the City Council and it was signed by Waste Management. He stated that he thought that Mr. Adams explained what they looked at, they had the option to bid it out, they looked at what other bids have come in recently, and it was a calculated feeling, both of them felt, overwhelming, that if they had bid the project out, they would then have been bound by the lowest bid and the lowest bid would have been significantly higher than what they were able to negotiate, so they felt that what they brought them tonight was a substantial cost savings to the citizens of Eden.

Mayor Price asked if there were any other comment. He asked Council Member Grogan if he would like to make this subject to the City Attorney's approval to which Council Member Grogan replied in the affirmative.

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

Mayor Price thanked the members of the Solid Waste Committee for their time and effort, again they did have a committee that met and put a lot of time and effort into the solid waste problems that face their city. He stated that they were not unlike other cities, it was not going away, it was going to continue and they have been very creative and supportive of every issue that has come forward.

Council Member Janney commented that if there was information out there that helps the Council make a better decision, bring it to them. If they have information in any committee, bring it to the Board so they can better understand what was going on, do not come up there and

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tell them that they have looked at this and looked at that. He wanted to see it. He added that he was sure that any body who sits in that chair in the future wanted to know what was going on. If some of them did not, that was fine.

Mayor Price noted that was a very good point, they could tell from the information that had been added to their financial statements had made them easy to understand and it certainly helps.

Council Member Janney agreed.

(d) Consideration of tax foreclosure and purchased property at Lawrence and Flynn Streets by the City of Eden.

The memorandum to Council explained that the city received a bill from Attorney Medlin's office in regards to a tax foreclosure and the property received no bids during foreclosure, thus the city purchased the property. This property is located at the corner of Lawrence and Flynn Streets. Attorney Medlin requested that the city issue a check in the amount of \$1,668.60 to cover the sale of the property.

The city budget has no distinct line item to cover this type of charges so the money needed to be issued from the contingency line item with the Council's approval.

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

A motion was made by Council Member Rorrer seconded by Council Member Grogan to sell this property immediately. All Council Members voted in favor of this motion.

NEW BUSINESS:

(a) Consideration of dedication and acceptance of streets in the Fairways, Phases II and III.

The memorandum presented to Council explained that after inspection and review by the Engineering Department and upon recommendation of the City Engineer, staff was of the opinion that it was appropriate for the City Council to accept the water lines, sewer lines and streets located in Phases II and III of the Fairways. This acceptance is contingent upon receipt of the as built drawings for Phase III.

Council Member Grogan asked if this included the street.

Mr. Joe Stanley, City Engineer, replied yes, it included the street and all the infrastructure.

Council Member Grogan asked if he was doing inspections on the new streets that the city was accepting.

Mr. Stanley replied yes, for the storm drains, the sanitary, the water lines, yes, the streets. They inspect; more or less somebody in his department goes out when the contractor puts the stone down for the subgrade, and witnesses the proof roll, they do not do any physical testing of the density of the stuff, but they visually check it for pumping and bad spots and witness it when they do that and also they were out there when they put the asphalt down.

Council Member Grogan explained that the reason for his question, he knew that they have accepted some streets in the past few years that they just resurfaced and it certainly raised a question in his mind, were they doing, was the street being put in to the city specs.

Mr. Stanley replied that he could say that the ones that have been put in since he had been working there have.

Council Member Grogan replied good, he had been there since all of this had been done.

Mr. Stanley replied if it was the streets he thought he was referring to no...to which Council Member Grogan explained, no he was saying from this project right here.

Mr. Stanley replied in the affirmative.

A motion was made by Council Member Grogan seconded by Council Member Tudor to accept the water lines, sewer lines, and streets located in Phases II and III of The Fairways.

Council Member Gover asked if this conformed to the future storm water run off. Did they have plans for the storm water run off.

Mr. Stanley replied that the new Phase II regulations which were pending for the City of Eden, based on the State's outcome, their interpretation of the Federal regulations have been delayed from September on end, supposedly this month to next month, they were waiting to hear if they were included, but the storm drains themselves comply, that was just a structure, the actual Phase II program was still in with just trying to keep a list of discharges from going down storm drains and into the rivers and so forth. There were six different steps that a community has to follow that were put into those regulations.

Council Member Gover asked if all of that cost was not passed onto the city, they still, as they get into storm water, adopting the rules and regulations in that.

Mr. Stanley replied that it depended, there was a mechanism that they could charge fees to cover the cost that the city would incur if they have to undertake those regulations, but that was up to the Council to do so. What he had spoken with the Manager in the near future was to have the presentation of the whole Phase II storm water program presented to the Council and the Department Heads to give them a better understanding of what was probably going to...

Council Member Gover asked if all those streets go to the same basin, all that drainage, if they... Mr. Stanley replied yes, they have not changed that whatsoever and essentially the only basin that matters in drainage drains into the Dan and stays in the Dan River basin and it is in a big magnitude versus a smaller one on that note.

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

(b) Consideration of Budget Amendment #5.

The memorandum presented to Council explained that this amendment was done at the request of the City's Engineering Department. It would reallocate remaining monies left from the 2000-01 Powell Bill Contract Services line item to the 2001-02 Powell Bill Contract Services line item. This would be used to fund the city's street contracts.

<u>Budget Amendment #5</u>	<u>Account #</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
General Fund Revenue				
Powell Bill – Fund Balance Appropriated	10-3992-99200	\$ -	\$155,295.88	\$155,295.88
General Fund Expenditures				
Powell Bill Contract Service	104-5152-46000	\$400,000.00	\$555,295.88	<u>\$155,295.88</u>
				\$ -

Budget Amendment #5 is to appropriate remaining 2000-01 Powell Bill Contract Services line into 2001-02 Powell Bill Contract Services line item.

Adopted and effective this 16th day of October, 2001.

A motion was made by Council Member Rorrer seconded by Council Member Gover to approve this budget amendment #5 as presented. All Council Members voted in favor of this motion.

(c) Consideration of massage therapy application and massage therapy business application.

A motion was made by Council Member Grogan seconded by Council Member Rorrer to approve this request (*Stephanie Goodrich*). All Council Members voted in favor of this motion.

(d) Consideration of appointment of Paul Amos to the Safety Committee.

Council Member Rorrer questioned why they did this. He added that he did not question who they were appointing, he just wanted to know why they were doing it. He asked if they were adding one on or did they lose one.

Council Member Gover replied that they were one short to which Council Member Rorrer replied that was good enough.

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A motion was made by Council Member Gover seconded by Council Member Rorrer to approve this appointment to the Safety Committee. All Council Members voted in favor of this motion.

Council Member Rorrer commented that he thought they needed to cut that committee down just a little bit instead of it going up.

(e) Consideration of traffic request for additional handicapped parking spaces on Main Street in front of the United Methodist Church.

The memorandum to Council explained that a request was received for a traffic survey to grant six additional handicap-parking spaces on South Main Street in front of the church. Currently there are three handicap parking spaces. It was recommended that six handicap spaces be established per the request. In addition, it was recommended that signage be placed and spaces be painted to concur with state law regulating handicap parking.

A motion was made by Council Member Gover seconded by Council Member Tudor to approve this recommendation as presented.

Council Member Myott asked if that meant there would be nine spaces there.

Council Member Gover replied that they have three. He explained that he met down there with some of the directors and they were requesting six additional spaces and they were in close proximity of the church.

All Council Members voted in favor of this motion. All Council Members voted in favor of this motion.

(f) Consideration of traffic request by NCDOT for No Parking on Van Buren Road.

This item was deleted from the agenda.

(g) Consideration of traffic request for No Parking consideration on Caleb Street

The memorandum presented to City Council explained that this street was examined and the following facts were found: Street was sixteen feet seven inches wide; eleven homes located on the west side and four on the east side; Hudson Street and Flinchum Street are connecting arteries off this street; all dwellings have off street parking, except for 719; it was a low accident location; and the street is approximately .2 miles long. It was recommended that a No Parking Zone be established along the east side of the street due to the largest volume of traffic that will need parking access is on the west side.

A motion was made by Council Member Rorrer seconded by Council Member Gover to approve this recommendation as presented. All Council Members voted in favor of this motion.

(h) Consideration of School Resource Officer agreement.

Mayor Price noted that the agreement was proposed between the Rockingham County Board of Education for their two resource officers.

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

(i) Consideration of appointment to Planning Board.

A motion was made by Council Member Grogan seconded by Council Member Gover to approve Council Member Grogan's nomination of Mr. Wayne Tuggle to the Planning Board. All Council Members voted in favor of this motion.

CONSENT AGENDA:

Approval and adoption of minutes – September 18, 2001.

Approval and adoption of a motion for authorization of emergency sewer line installation at Eden City Park.

Approval and adoption of addition to the October 13, 2001 auction.

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Approval and adoption of a motion for the Finance Director and City Clerk to sign previously approved garbage truck financing contract.

Approval and adoption of a motion to solicit bids for a skid loader.

Council Member Rorrer questioned the skid loader and he thought it was supposed to come out of the Powell Bill.

Mayor Price referred the question to Mr. Adams.

Council Member Rorrer stated that it was at budget time when they left that in there, that it come from Powell Bill funds.

Mr. Adams replied that he would not be able to address that particular aspect of it. He thought it was Powell Bill funded...

Council Member Rorrer stated that he thought that it seemed like he had made that motion to leave it in there. He asked Mr. Sexton if he recollected it.

Mr. Sexton replied that they had it in their budget. If it could come out of the Powell Bill they would definitely be glad to do it. He added that this item was for the Street Department.

Council Member Rorrer replied that they just did not have the money, otherwise the only reason he agreed to leave it in there was if it did come out of the Powell Bill, that was the way he remembered it.

Mr. Adams commented that his comment was to not put it in Solid Waste.

Council Member Rorrer stated that there were two requests at that time, they turned down the Solid Waste and left the one in the Powell Bill.

Mayor Price asked if there were any other items.

Council Member Myott questioned the holding pond at the City Park.

Mr. Stanley asked which location, as there were actually several.

Council Member Myott replied it was on Edgewood Road.

Mr. Stanley asked if it was on the actual option property, to be sold.

Council Member Myott replied yes, the dangerous looking one.

Mr. Stanley replied that they had just recently closed one there near Stadium Drive near the residence there. That pretty much there had been grassed in and was no longer needed. In the report when the State inspector came down, he said it was okay to close it. There were a few issues involved in that and he actually spoke with the Manager about it earlier in the week on whose responsibility it was, it was okay to close if they deem it necessary. It was a big pond and number one there was also the issue of the storm drainage pipe to be put in under Edgewood Road as part of the agreement. The storm drain easement that was with Gildan across the property, that actual sediment pond pretty much, the majority of that served the construction of their facility, the storm drain pipe comes from their property.

Council Member Myott stated that it was so dangerous and so close to the road.

Mr. Stanley replied that originally those things the way there were installed was not the way they were intended to be they were supposed to be free draining and not hold water but they do. He added that they could look into the matter and hopefully make a determination on whose responsibility the State has given them the okay to close it.

Council Member Gover asked to recommend that in the future also that the City Manager as well as the Engineer keep an eye on those catch basins because they were digging them too deep as they well know. They were only trickle ponds they were not holding ponds. They were only holding ponds momentarily and they were leaving those holes a little too deep.

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Mr. Stanley replied that those were installed a little too deep and essentially the State had control and authority over those.

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

ORDINANCES AND RESOLUTIONS:

(a) Adoption of an ordinance to amend Section 11.24(1)(3), (1-a)(3) and (m)(3) and Section 11.29 of the City of Eden Zoning Ordinance as it applies to buffers. ZONING CASE Z-01-07.

A motion was made by Council Member Grogan seconded by Council Member Gover to adopt this ordinance amending Section 11.24(1)(3), (1-a)(3), and (m)(3) and Section 11.29. All Council Members voted in favor of this motion.

VOUCHERS:

Council Member Reynolds questioned #25964 on page 8, First Citizens Bank, Travel/Training Expenses, \$278.75.

Mr. Corcoran replied that would be the city's credit card and that would be the payment on the credit card.

ADJOURNMENT:

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

Respectfully submitted,

Kim J. Scott, City Clerk

ATTEST:

Philip K. Price,
Mayor