

CITY OF EDEN, N.C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, April 16, 2002 at 7:30 p.m. in the City Council Chambers, 308 East Stadium Drive. Those present for the meeting were as follows:

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| Mayor: | Philip K. Price |
| Mayor Pro Tem: | John E. Grogan |
| Council Members: | Ronald H. Reynolds |
| | Billy Vestal |
| | Christine H. Myott |
| | Jerry Epps |
| | C.H. Gover, Sr. |
| | Garry Tudor |
| City Manager: | S. Brad Corcoran |
| City Attorney: | Tom Medlin, Jr. |
| City Clerk: | Kim J. Scott |
| Deputy City Clerk: | Sheralene Thompson |
| Representatives from City Departments: | |
| Representatives from News Media: | Erica Kinnaird, <u>Eden Daily News</u> |
| | Leslie Brown, <u>Greensboro News & Record</u> |

MEETING CONVENED:

Mayor Price called the regular meeting of the Eden City Council to order and welcomed those in attendance. He explained that the Council meets the third Tuesday of each month at 7:30 p.m. and works from a prepared agenda; however, time would be set aside for business not on the printed agenda.

INVOCATION:

Mr. John Burton, Interim Pastor, Leaksville United Methodist Church, gave the invocation.

PROCLAMATIONS:

Mayor Price asked Mr. Bill Mike, Chairman of the Tree Board to come forward for the reading of the Arbor Day Proclamation:

ARBOR DAY PROCLAMATION

WHEREAS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

April 16, 2002

CITY OF EDEN, NC

Minutes of the April 16, 2002 regular meeting of the City Council, City of Eden, N. C.:

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal, and

WHEREAS, the City of Eden has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree planting practices.

NOW THEREFORE I, Philip K. Price, Mayor of the City of Eden, do hereby proclaim April 20, 2002 as

Arbor Day

in the City of Eden, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 16th day of April, 2002.

s/Philip K. Price
Philip K. Price
Mayor

Mayor Price asked City Clerk, Kim Scott, to come forward in recognition of Municipal Clerks Week. He then read the following proclamation:

Municipal Clerks Week
April 28 through May 4, 2002

Whereas, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

Whereas, The Office of the Municipal Clerk is the oldest among public servants, and

Whereas, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

Whereas, The Municipal Clerk serves as the information center on functions of local government and community.

April 16, 2002

CITY OF EDEN, N. C.

Minutes of the April 16, 2002 meeting of the City Council, City of Eden, N. C.

Whereas, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations.

Whereas, It is most appropriate that we recognize the accomplishments of the Office the Municipal Clerk.

Now, Therefore, I, Philip K. Price, Mayor of the City of Eden, do recognize the week of April 28 through May 4, 2002, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk, Kim Scott, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this day the 16th of April, 2002.

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

Public Hearings:

(a) Consideration of a zoning map amendment request to rezone property located on Boone Road, Bridge Street, Reeves Street, Moncure Street and Moir Street from Industrial-1 to Business-General. Request submitted by the Eden City Council. ZONING CASE Z-02-02.

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

Mrs. Stultz explained that this request was initiated by the City Council several months ago. The staff took a Land Use Study and the Planning Board joined in and after some research and effort, the staff recommended that these properties be changed to Business-General and the Planning Board agreed.

The property was located at the corner of Bridge and Boone Road, near the downtown area. There were several historical buildings on these particular properties, one being the former train station and another the former ice plant and Twin City Grocery. Currently this whole area was zoned Industrial-1. That was done because in 1968 at the time of the original zoning the folks who were hired to help the Council with the maps at that point did things based upon what was on the ground then. At that time the train station and the ice plant was working. Now, building codes and land uses have changed and in order to hopefully adapt and be able to reuse some of these buildings and encourage some more businesses in this area, she would like to recommend that this be changed to Business General

She also noted that they had received a letter from First Baptist Church as one of the adjoining property owners and they support the change.

Mayor Price said to let the record indicate that the above mentioned letter was distributed to all Council Members.

April 16, 2002

CITY OF EDEN, NC

Minutes of the April 16, 2002 regular meeting of the City Council, City of Eden, N. C.:

Mayor Price asked if anyone would like to come forward to speak in favor or in opposition to this proposal.

Mr. Steve Cochran, 1912 South Avenue, and a member of the Planning Board, was present and explained that the Business-General zoning was a very liberal business zoning. He explained that he would have liked to have had an alternative, but the situation being what it is, and people have already had uses that they would have liked to have put in there, but it did not fit the zoning for what they have. He stated that Business General is the only choice because there is no other zoning that fits the situation in that area.

As there were no others to speak, Mayor Price declared the public hearing closed.

A motion was made by Council Member Tudor seconded by Council Member Epps to approve the recommendation as stated. All Council Members voted in favor of this motion. The motion carried.

(b) Consideration of amending Chapter 4 and Chapter 6 of the Eden City Code to include the extraterritorial jurisdiction for code enforcement.

Mayor Price called for a public hearing and asked Mrs. Stultz to come forward with a report.

Mrs. Stultz explained that what the Council had before them was a report on the extraterritorial jurisdiction, in particular, a recommendation from both the department staff and the Planning Board, about including in their land use controls to do nuisances, junked cars, condemnations, and non-residential maintenance code in the ETJ (Extraterritorial Jurisdiction).

At this particular time, the city of Eden is responsible for zoning regulations, subdivision regulations, and watershed regulations, flood damage prevention regulations, and they enforce the state building code in the existing ETJ area. Without these changes, Mrs. Stultz explained that there were some issues that the county cannot touch in those areas and without these ordinance amendments nor can the city.

Mrs. Stultz stated, one particular note, as they enforce the North Carolina State Building Code, they have a responsibility to deal with condemnations in that area and it would be particularly helpful to get that changed. This is important for a lot of reasons, not the least of which as the Council considers areas for annexation and all of the ETJ is a gateway to our community. She added that they receive calls fairly often from folks in the ETJ wanting them to deal with various things that they cannot help with.

Mayor Price asked if anyone would like to speak in favor of or in opposition to this request.

Mr. Clarence Hale, Ford Street, was present to speak against this request. He explained that they need to enforce what they have in the city right now before going to the ETJ as it would take more manpower, and cost the city more money. He added that he did not see it happening.

April 16, 2002

CITY OF EDEN, N. C.

Minutes of the April 16, 2002 meeting of the City Council, City of Eden, N. C.

Mr. Hale stated that they tried to elect the people to stand up and take notice of what was going on and they put their trust in the Council, and he thought it needed to be looked at further before making a decision. He suggested getting things straightened out in the city and then go to the ETJ.

Mr. Steve Cochran, 1912 South Avenue, stated he had interest in the city and in the ETJ as it exists now. Mr. Cochran asked if any of the Council had ever lived on a farm and how many had lived in the county. He asked those who had lived in the country how far from the house they put their hog pens, what specifications they went by to build their chicken coop, what size barn they built and why. He explained that unless the Council was ready to completely redesign the building codes, they do not fit the country. These are two different sets of people and two totally different lifestyles. The people in the country don't want to live in the city and the people in the city don't want to live in the country. The city's rules do not fit the country and they should not extend their enforcement of rules to the country. He again asked how close to this neighbors house could he build his hog pen, if he decides he wants one, or he asked would he have to live by the code that says he cannot have pigs, or chickens in the country because they are not allowed in the city.

He also mentioned that his mother lives in the ETJ while he lives in the city. He can vote for the City Council Members, but when the Council does something that his mother does not like, all she can do is say "it's a shame", because she has no representation on the Council, while he can vote against them. He added that it was not fair and in his heart, he felt like what they were trying to do was unconstitutional. Just because the state laws say they can do it, doesn't make it right.

As there were no others to speak, Mayor Price declared the public hearing closed.

Council Member Reynolds stated that they cannot do what they are doing in the city now, and asked Mrs. Stultz if they would be coming back and asking for more help if this request is approved.

Mrs. Stultz replied that there have been some significant changes that the Council made to the department staff, (referring to the staffing assessment) the last of which will be effective July 1st. She stated she has no anticipation as this moment that they would change the way they do enforcement as it would all be on a complaint basis. With the recommendation before the Council, she did not foresee the request to come to the Council for any more staff simply because of the ETJ enforcement. Mrs. Stultz stated that Mr. Reynolds was right in that there were a lot of code enforcement issues they have to deal with and the changes that the Council have allowed them to make would give them a good shot at making some in-roads into that.

Council Member Gover explained that since he has been on the Council, he had been trying to get a lot of old buildings down and he had a lot of complaints, as a matter of fact, he plans to place on the agenda the status of three buildings he had been trying to get down for the last two and a half years. He added he did not think they could venture out and take on any more in these

April 16, 2002

CITY OF EDEN, NC

Minutes of the April 16, 2002 regular meeting of the City Council, City of Eden, N. C.:

depressed times and they could not handle what they have in the city limits, much less what is out there. Council Member Gover stated he strongly opposed this.

A motion was made by Council Member Gover seconded by Council Member Reynolds to deny the request.

Council Member Grogan stated the city was undertaking some studies on annexation which involves extraterritorial areas in and around Eden. He added that the people who spoke tonight, he did not know if those areas, were being considered, but it was extremely important for this city to grow to help take care of a tax base. The only way it can grow to really meet the needs of the city, is to have the extraterritorial districts there, try to protect them of the way they grow, so at the future date when they get ready to annex, if it is allowed, then they have all of that behind them.

A substitute motion was made by Council Member Grogan seconded by Council Member Tudor to accept the recommendation of the Planning Board and of the city staff.

Council Member Myott questioned Mrs. Stultz as the information provided stated that the Planning Board voted in favor of making those ordinance amendments at their April 12th meeting. Mrs. Stultz replied that was correct; however, Mr. Cochran voted against and the vote was 6-1.

Council Member Vestal stated he agreed with Mr. Cochran as he thought the people in the county have a different life style. They already have two types of regulations, the North Carolina Building Code is one of the most stringent codes in the United States and if they could enforce those codes in the county to their fullest, he thought they would be well prepared to go along with Council Member Grogan's idea of expansion.

Council Member Tudor explained that there was a study for annexation, understanding that, there is a possibility that there are certain areas that would be the first that would be annexed, therefore, it made sense to him that they would want those areas to be in compliance ahead of time. He added that he supported the substitute motion of Council Member Grogan.

Council Member Gover questioned how such an operation would be financed. He noted there were hours and hours of legal work that needed to be done. He asked where they were getting that money as they knew they could not afford that. In addition, they did not need to enforce something out there when they were not enforcing here in town.

Mrs. Stultz explained that as far as animals in the ETJ, the residential agricultural district permits that and so do all of the residential districts that the person occupies. You cannot have pigs in the city limits, but they have no prohibition that would impact pigs in the ETJ. Chickens can be kept inside the city if they are 100 feet from the neighbors house. They have always had fairly liberal rules about those things because they are a fairly rural community. There is also a special use permit process for horses and cows as a principal use on lands both within the city and without.

April 16, 2002

CITY OF EDEN, N. C.

Minutes of the April 16, 2002 meeting of the City Council, City of Eden, N. C.

Mrs. Stultz added there are always pluses and minuses to anything and because they are enforcing the state building code in the ETJ, it was her opinion to do condemnations because they are a part of the state building code process. She stated that they receive calls from the citizens in the extraterritorial area about junk cars and other issues that right now, either the county planning department nor her department can handle. They do land use control for the ETJ, and they have a duty to respond to them the best they can.

Council Member Epps stated he did not think the city would be do a “witch hunt” on those people, it would be as Mrs. Stultz stated when people complain then they would go look at it. He stated it would be ground work for the annexation later and he was in favor of it.

Council Member Vestal added that laws are made to enforce and if they have the rules and regulations, they have to enforce them by law.

Mayor Price stated he did not think it was any secret that he had been as critical of the efforts in the past because they have been very slow to condemn some properties that have gone on to long. He noted also we have been slow to pick up junk cars and slow to have property owners to clean up some things that frankly are not presentable in our area. He also pointed out that some of the reasons for not moving as fast was that it takes a lot of money for legal research and work for public advertisement to get some of this done. He thought they were in the mood as a Council and as a cohesive group that they would like to move forward with some things. He also mentioned hearing the comment of no mans land mentioned so many times that even though something is in the county that it cannot be touched one way or the other. He noted there were several locations in Eden that people candidly that do not live in Eden think that location is in the city of Eden and frankly he was ashamed of some of the mess people see when they come into our community. He agreed that perhaps they were going a little bit forward, but he would like to be forward. As many things positive that this Council had done, while it has been very hard, this is something in the right direction that this community not only needs but that this community deserves. He asked the Council the give full consideration to this and to Council Member Grogan’s substitute motion.

Council Member Tudor spoke of a situation not far from where he lives where an individual has horses and cows and that citizens does not reside in the city of Eden. This citizen has been allowed to come into the city of Eden to raise horses and cows. He stated if they allow someone who lives outside the ETJ to come in and raise livestock then he asked why can’t we have some supervisory circumstances outside the area immediately adjacent to the city of Eden. These people claim they live in Eden and have an Eden mailing address, their properties have an impact on the way the community is perceived and we are all concerned about how swift buildings can be condemned. The slowness of having buildings condemned is not the fault of this Council necessarily and not the fault of the Mrs. Stultz necessarily. There are other extinguishing circumstances that he would not get into, but all are familiar with. That circumstance has been improved considerably and he thought they would find in coming months that they would be much better at taking care of these circumstances. He stated for the reasons he has pointed out, he thought they would have a better ability to deal with some of the problems of non-compliance that it is a good idea as the Mayor has suggested to move forward.

April 16, 2002

CITY OF EDEN, NC

Minutes of the April 16, 2002 regular meeting of the City Council, City of Eden, N. C.:

Council Member Gover stated that livestock was not why he was opposing this at all. He was opposing it to help the people out there in the one mile, knowing they cannot enforce what they have in the city, nor can they afford to go out there and do it, or in the city. He added that he was not worried about the cows, horses, pigs or whatever.

Action the substitute motion to approve the request to include the ETJ for code enforcement: Those voting in favor of the motion were Council Members Epps, Tudor, Myott and Grogan. Those voting in opposition to the substitute motion were Council Members Gover, Reynolds and Vestal. The substitute motion carried.

(c) Consideration of Rivercrest Drive Flood Hazard Relocation Program.

Mayor Price called for a public hearing and asked Mrs. Stultz to come forward with a report.

Mrs. Stultz explained that as with all grant programs that they receive grant funds from the State of North Carolina or the Federal Government. There are some requirements as you end. The Rivercrest Drive Program is one where the program is not done, but this particular round of funding is. She stated she hoped to make that further application in the future to try to remedy some more of that situation, but this is simply a public hearing as they do their final paperwork and close out the grant they have with the state.

Council Member Vestal asked, referring to the second page of her information, if that was local administration cost or the total to which Mrs. Stultz replied it was the total. She added they hired a consultant who was paid out of the funds.

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

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

ADDITIONS AND DELETIONS TO AGENDA:

A motion was made by Council Member Tudor seconded by Council Member Gover to add a closed session to the agenda for consultation with the City Attorney. All Council Members voted in favor of this motion. This motion carried.

A motion was made by Council Member Grogan seconded by Council Member Epps to add a resolution to purchase bond insurance for refinancing the bonds to the agenda. All Council Members voted in favor of this motion. This motion carried.

April 16, 2002

CITY OF EDEN, N. C.

Minutes of the April 16, 2002 meeting of the City Council, City of Eden, N. C.

A motion was made by Council Member Gover seconded by Council Member Tudor to add status of 1212 Fieldcrest Road, 1104 Stadium Drive (on-going for four years) and 1001 Sharpe Street (on-going for 6 years) to the agenda. All Council Members voted in favor of this motion. This motion carried.

PRESENTATION:

Mayor Price asked Fire Chief, Ronnie Overby along with Miss Jessica Hylton, mother Tammy and Step-father Sam Smith Jr. to come forward for a special Fire Department presentation.

Miss Jessica Hylton was presented the Eden Fire Department's Hero Award.

Financial Report:

A motion was made by Council Member Epps seconded by Council Member Vestal to accept the financial report. All Council Members voted in favor of this motion. This motion carried.

Request and Petitions of Citizens:

(a) Consideration of an appeal from the Tree Board by Jones Norman of 1046 Trogdon Drive.

The memorandum provided to Council explained that Mr. Jones Norman has appeared before the Tree Board on more than one occasion recently and in the past few years regarding trees on city property that were adjacent to Lambert Drive. This was a public street located off of Trogdon Drive.

The trees were white pines that were planted by a former Director of Public Works and were now quite tall. There was a 20 inch waterline in this right of way near the trees.

At the March regular meeting of the Tree Board the Director of Planning & Inspections recommended that the trees be removed. Mr. Benny Sexton, Municipal Services Director, concurs with that recommendation.

Earlier this year, the Tree Board voted to remove the trees that were diseased and to maintain the healthy ones that remain. However, Mr. Norman was of the opinion that the trees as they now exist were a hazard to his home and wants them all removed.

Attached to the memorandum was a copy of the Tree Board minutes and other information sent to them during discussions on this issue. Also provided was a copy of the page of the Planning Organization Ordinance dealing with appeals from decisions of the Tree Board.

Mr. Jones Norman stated that he was present to appeal a decision made by the Tree Board. He explained that his house faces Trogdon Drive, entering his front door to the right is Lambert Street. On that street, the city property is 50 feet from his property line to the street. There are any number of white pine trees that he estimated to be 60 feet high at least. He built there in 1966 and he has put three roofs on his house which averages 12 years per roof. In addition to

April 16, 2002

CITY OF EDEN, NC

Minutes of the April 16, 2002 regular meeting of the City Council, City of Eden, N. C.:

that, he has cleaned out the ditch because the ditch on Lambert Drive makes a turn and comes in front of his house. Pine burs and needles stop up his drain under the sidewalk, piles up in the ditch which he has to mow with a hand mower. He stated he has kept up the 50 feet from the property line to the city street, since 1935, mowed it. He was able to mow it with a riding mower and now the white pine roots have come to the top of the ground and he has to mow it with a hand mower. In addition, approximately 200 feet in the back of him are two more rows of white pines. He has kept that up with the exception of the city cleaning it up twice, once when he had surgery Mr. Benny Sexton cleaned it up. He stated that he has mowed and rakes pine needles and burs for 35 years. He asked them to keep in mind he had two rows of white pines behind his house facing due east. The row on Lambert Drive faces due west. The roofing people say they call it something kind of like mulch that deteriorates the shingles. The last roof was put on in February and he had three inch flashing around a large chimney in his den. He paid \$35.00 to have the needles cleaned out of the gutters every time as he could no longer do it at the age of 87.

Mr. Norman stated he did not know it, but pine needles had piles up behind the back of the chimney. He stated that he had brought all three bids and the one to start with was \$3,890. When they got into it, they had to splice some rafters and replace plywood. He noticed it one night with water dripping on the mantle. When he built the house he put batts in it and had ten inches of blown insulation on top so that absorbed it for awhile, but it rotted and that cost him an additional \$400 more dollars.

Mr. Norman stated he liked trees and when he was younger he hunted, fished, but these trees have become a public nuisance. He stated at his age, he could not continue to clean up the mess they make. He stated he was there to ask the Council for consideration for some relief, either the city take it over, mow it, clean it up, but that would not help his roof. He stated he was not asking for all of the trees to be taken down, but he wanted the trees that he had been keeping up (approximately 9), they took down four because Duke Power took down one due to the power lines. He again added he had three, the dates and the bills for the roofs, three since 1966 and an average 12 years. Those were 25 year roofs.

In response to a question from Council Member Gover as to the 50 feet, Mr. Norman explained it was 50 feet, his line to the street on Lambert Drive. He noted that every bit of it was the city's property including the 200 feet behind his house and he had mowed all of that. From his line in the back, it was about 80 feet and 80 times 200 was what he had kept up.

Council Member Vestal asked Mr. Norman if he had just recently put another roof on. Mr. Norman replied that the house was built new in 1966 and that was the first roof and he had replaced it twice since then, with a total of three roofs.

Mr. Bill Mike, 126 Taft Street and Chairman of the Tree Board, was present to speak on behalf of the Tree Board. (It was noted that other Tree Board members were present). Mr. Mike stated the Tree Board had discussed this issue for the last three months. Their mandate was to hear all complaints, examine all pros and cons and to arrive at a final decision. Their ultimate goals was

April 16, 2002

CITY OF EDEN, N. C.

Minutes of the April 16, 2002 meeting of the City Council, City of Eden, N. C.

to look out for the welfare of the city's trees. In this case, with the exception of the four large white pines that have been recently removed, they recommend that the remaining 13 trees be not removed. Mr. Norman presented a three point complaint about the mature white pines bordering his property which he would address. (1) Roof damage, Mr. Norman stated he had put on a new roof three times since 1966 and Mr. Mike's calculations show that if 1966, there was a new roof, and in 2002 there was another new roof, there were 36 years in between, probably in 1985 there was a new roof. This averages out to be about 17 or 18 years per new roof and from his experience with roofs, indicates this is a pretty average lifetime for a roof. All property owners with trees nearby are faced with leaf, needle, twig removal from the roofs and gutters semi-annually. (2) Cleaning up around trees. Mr. Mike stated there is a trade-off with the aesthetic value and the cleanup nuisance of trees. All property owners with trees are faced with this. It was obvious with all the many beautiful trees in the Eden yards that the aesthetic plusses usually win out. (3) Roots on top of the ground. Mr. Norman indicates that he cannot mow with the riding mower. A possible solution to this would be that the city maintain mulch on this strip where the roots are protruding at ground level thus eliminating the necessity for mowing. It would even improve the landscape appearance. Mr. Mike stated he had explained the Tree Board's position.

Council Member Gover asked how many trees were taken down to which Mr. Mike replied four large white pine. One was in the power area where it was protruding into the power line, so Duke Power took a good part of it out. The other three were deemed not the healthiest so they were taken down for that reason. The others are perfectly healthy trees.

Mayor Price noted that they had reached a point in the appeals process whereby they had heard Mr. Norman's appeal to the City Council as well as Mr. Mike, Chairman of the Tree Board and their thought process on this; he then asked the Council for comments.

Mr. Epps replied that Mr. Norman was surrounded by trees. He added that Mr. Norman was not looking for all of the trees to be removed, just enough to get some sunlight.

Council Member Vestal noted that Trogon Drive runs east and west and noted that the picture provided for Council was evidently taken when the sun was in somewhat of the west. He noted it looked as if Mr. Norman has adequate sunlight at least two thirds of the day. The trees are fifty some feet off of his property line not knowing how much property line he has to the edge of his house as that was not mentioned. He added he agreed with Mr. Mike as far as the city putting mulch in that area so Mr. Norman would not have to mow that area.

A motion was made by Council Member Vestal seconded by Council Member Gover to uphold the Tree Board's decision and the city maintain the property with mulch. It was added that Mr. Norman should not have to look after the city's property.

Council Member Myott stated she had also been out to see those trees. Even though she was a tree lover, white pines were a different category as they can grow to tall. There is one of those trees that if it fell, it would fall on Mr. Norman's house which was dangerous. She again

April 16, 2002

CITY OF EDEN, NC

Minutes of the April 16, 2002 regular meeting of the City Council, City of Eden, N. C.:

mentioned the allergens. She stated she did not think any of the trees in the back should be removed, however, she thought the trees on both sides of Lambert Dive should be removed (nine trees). She clarified that the trees beside of Mr. Norman's house and the three that are in the neighbors yard, opposite each other (three on the west side and six on the east side) should be removed.

In response to a question by Mayor Price as to if Mrs. Stultz was familiar with these trees, Mrs. Stultz replied it was the trees that line Lambert Drive. All of those trees are on city property. Mayor Price replied they were talking about the ones he wants removed from approximately behind his driveway down to which Council Member Myott added that they were along Lambert Drive. (East and west side and beside of his house according to Council Member Myott).

Mr. Norman explained that the roof did not get sun like it should. He added that he kept a neat place and it would not stop the pine burs as something falls from white pines every month in the year, and it would not stop the needles from building up behind his chimney. When he mows, he has to get up the pine burs because his riding mower was not made to chop wood.

Mayor Price noted that he had been involved in the tree issue for a number of years and has visited Mr. Norman on several occasions. He added he was not a trained tree person, like most people, he loved trees and has had some experience with white pines as they were beautiful, fast growing, and give a quick screen. If they are not maintained on a regular basis, they are a problem. He also thought in terms with where the city was with this and in terms of the water line there. He also assumed that the trees were placed behind his home as a site barrier for the public works area. He added he had not been very pleased that the city work forces had not done a good job in keeping that maintained. Mr. Norman was correct as he had done most of the cleanup for a number of years. Mayor Price stated he would like to propose that the trees along the side of his house be removed and it be put into the motion that the portion of trees behind his house be maintained as long as the city has those trees there.

Council Member Epps replied he would make that motion to which was seconded by Council Member Reynolds.

Mayor Price restated the substitute motion which was made by Council Member Epps seconded by Council Member Reynolds to remove the trees and to continue with assured clean up from the city, and maintenance of those trees behind Mr. Norman's house.

Action on the substitute motion was as follows: Those voting in favor were Council Members Reynolds, Myott, Grogan, Tudor and Epps. Those voting in opposition were Council Members Vestal and Gover. The substitute motion carried.

Unfinished Business:

(a) Consideration of annual sewer outfall rehabilitation project (Joe Stanley, PE, City Engineer)

April 16, 2002

CITY OF EDEN, N. C.

Minutes of the April 16, 2002 meeting of the City Council, City of Eden, N. C.

The information provided to the Council from W. K. Dickson explained that three bids were received, opened and reviewed and found to be higher than the Engineer's estimate. Sam W. Smith, Inc. was the lowest responsible and responsive bid. The recommendation was to award the contract to Sam W. Smith, Inc. in the amount of \$701,658.00 for sanitary sewer outfall improvement projects based on the Meadow Greens Replacement portion alternate.

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|---------------------------------------|--------------|---------------------------------|
| Sam W. Smith, Inc. | \$780,383.00 | negotiated down to \$701,658.00 |
| J. F. Wilkerson Contracting Co., Inc. | \$803,597.50 | |
| Reynolds, Inc. | \$833,003.73 | |

Mr. Stanley added that as his memorandum to the Council stated, they had money for the construction for the rehabilitation of the Meadow Greens line which is their worst overflow pump station. The other two will have to be put off until next year due to the fact that some of the emergency money allocated in the water and sewer fund and the lateness of the fiscal year. Some internal discussions of staff and the manager, they felt like they could reallocate some additional money and award the entire project as per the recommendation of the consultant and that they complete this project going into the next fiscal year; hopefully, by October or November with the Meadow Greens line being done by July. Based on what was discussed at the retreat last year, this will put us well ahead of the schedule on the outfalls for rehabilitation.

Council Member Epps commended those who put this together as it was a savings of \$79,000.00 to the city.

Council Member Gover asked for the Manager's comments on his thinking of replacement cost and going into Phase I with this kind of money.

Mr. Corcoran stated that when he first came to the city, one of the things the Council had been discussing was the problem with various sewer outfalls. Most especially the constant problem with skills at Meadow Greens as well as problems that had been occurring at Merriman and Long Street. Last year in the retreat, that was the most talked about problem and listed most by Council Members. When the budget was set up, they included enough money to go ahead and proceed with the engineering on all three projects, and they included enough funding in the project to proceed with the construction of the Meadow Greens Project thinking that the bids would be cost prohibited to do all three at one time. They felt that they have received a good bid; they were able to negotiate even further. They have some emergency money that was included in the budget, and fortunately they have not had problems at their pump station, that are available to be allocated. Their feeling was that those were three serious areas that need to be taken care of; the Council has a good bid before them, money that has already been budgeted, other money that is available, and their recommendation was that they accept the low bid as submitted and negotiated and that in May they bring before the Council a project budget since this project would go on past the end of June, and that they proceed as outlined in the memorandum provided to Council.

April 16, 2002

CITY OF EDEN, NC

Minutes of the April 16, 2002 regular meeting of the City Council, City of Eden, N. C.:

Council Member Gover asked if each project would be a phase within itself to which Mr. Corcoran replied they would do Meadow Greens first, move to the next one, and move to the next one. As discussed before, next month they will set up the project budget and it will show the cost as bid year for each project so that they Council can track that, but this way they can go ahead and award the project and hopefully have all three of these areas done by the fall of this year.

A motion was made by Council Member Epps seconded by Council Member Vestal to accept the bid as submitted and negotiated and award the bid to Sam W. Smith, Inc. in the amount of \$701,658.00; and with it noted that a budget amendment creating the project budget will be forthcoming during the next meeting in May. All Council Members voted in favor of this motion.

New Business:

(a) Consideration of solids management alternatives - Engineering Report.

The memorandum presented to Council explained that a Preliminary Engineering Report on Solids Management Alternatives for the Mebane Bridge Wastewater Treatment Plant was presented to the Water & Sewer Committee on April 1, by Gary Crouch, P.E., Anderson & Associates. All committee members were present (C.H. Gover, John E. Grogan, and Bill Vestal). Also in attendance were Brad Corcoran, Joe Stanley, and Dennis Asbury. The committee concurred with the recommendation that a summary of the full report be presented to the City Council.

Attached to the memorandum was an executive summary of the subject report, which Mr. Crouch would present to the Council at their April 16th meeting.

It was recommended that the City Council accept the report and the recommendations contained in it for information, planning and budgeting purposes.

Mr. Dennis Asbury introduced Mr. Gary Crouch, PE of Anderson and Associates. Mr. Crouch explained that the study evaluated solids handling at the treatment plant. The plant is a 13.5 million gallon per day and is currently running at 7.4 million of gallons per day. It is a little over 50 percent of the capacity and the operators were already experiencing some operating problems particularly due to high solids content in the plant. In general, they have done a good job to confine with the permit, but there have been occasions where excess solids have left the plant and they are having other problems just controlling the process to keep the solids in check.

Mr. Crouch explained that Mr. Asbury had expressed that one of his concerns was if they were experiencing these problems now, what will happen as the plant gets closer to its capacity.

Just to summarize what they found in the study, they confirmed that there are more solids in the plant than they would expect in a plant this size. In running through the design calculations, comparing it to similar plants, it is about twice the mass of solids. In looking at the biological process which is usually where these solids are generated, they found the biological process to be pretty normal and couldn't account for the solids generation there. They did find that approximately 20 percent of the total solids coming through the plant originated from the water

April 16, 2002

CITY OF EDEN, N. C.

Minutes of the April 16, 2002 meeting of the City Council, City of Eden, N. C.

treatment plant solids, the fine silt that is removed from the water during the treatment process, it going into the head end of the plant and being processed with the other wastewater in the treatment plant. They also found that polymer that is used in the removal of dye from the industrial waste that is received into the plant was also contributing over 30 percent of the total solids load of the plant. These two things by itself could account for twice as many solids that you would normally expect. They also found there are approximately 3.6 millions gallons of excess solids that accumulate in the aeration basins of the plant. Currently, they are not causing a significant problem, but they were robbing them of one third the capacity of those basins so that as the flow rate increases toward this design capacity, they need to remove those to be able to get adequate treatment for the wastewater going through the plant.

The other thing they looked at as part of the study was where was the bottleneck occurring in the plant. They went into this thinking that the digester, the part of the process that treats the sludge after it is removed, was really the bottleneck which was only a single digester, but they found that it is a bottleneck to some degree but the real bottleneck was occurring at the final disposal process, the removal of the sludge from the ponds for land application and it is a function of not having enough land for land application and not being able to apply on a continuous basis, being able to try to accommodate the farmers where this sludge is being applied to the land. From those findings they came up with a phased approach to resolving problems at the plant. The first phase is called the immediate improvements, and these are the items they recommend within the next fiscal year. The first is to go ahead and conduct some additional testing to try and optimize that polymer use in the plant. Any reduction in polymer use in the plant could make a fairly big impact on operation in the plant and also on the amount of sludge they have to ultimately dispose of. The second is to construct the pump station and divert the water plant solids from coming into the head of the plant, all of the way to the end of the process. Basically bypass the biological process. These are solids that do not require additional treatment. They are not biologically treatable. If they remove those from the process they gain that additional capacity in the treatment plant process, and they remove those from being an operational problem in the plant. The last is to dredge the sludge that has accumulated in the basin. They are recommending the process of doing that by portable dredge, have the city personnel remove it on a slow basis so that the solids can be processed through the normal solids treatment plant in the process. That would be a lot less expensive than hiring someone to come in and remove it all at once and then also have to treat it and dispose of it.

Council Member Gover asked how he arrived at the \$147,000 (operation cost) as he did not recall hearing that when the committee met. He thought that dredging was a total of \$157,000.

Mr. Crouch explained that the main part of that cost was the additional costs to actually pay for the land application of those solids under the current contract.

Council Member Gover noted that also mentioned in there, that those solids were already there so they do not know how long it would take to build that amount of solids back.

Council Member Gover added he was still not clear on the \$147,000 operations and added that he could understand the dredging operation.

April 16, 2002

CITY OF EDEN, NC

Minutes of the April 16, 2002 regular meeting of the City Council, City of Eden, N. C.:

Mr. Crouch replied that it was a one time cost that they would face over the next year and he included it as an operating cost versus a capital cost.

Mayor Price explained that Council Member Gover's question was that they have \$147,000 operating cost and \$150,000 in capital costs and he was asking for a definition between the two.

Mr. Crouch replied that the capital costs were basically costs for purchasing the portable dredge and then the portable piping and the operating costs would include the labor for an operator over a year's time to work with that to remove those solids plus, approximately \$126,000 was actually the land application cost.

In response to a question by Council Member Epps as to if he were saying we would have to purchase our own dredge, Mr. Crouch replied that would be his recommendation. They looked at both possibilities and it would be about two thirds of the cost to do it that way. If a contractor did it, he would want to do it all at once and then all of those solids would have to be treated at once. They have to be treated before they can be land applied.

Council Member Vestal stated on the pump station, Mr. Crouch was saying that it goes in to the solids from the water from the water filtration plant . . . would that go into the sedimentation basins or go straight into the lagoons.

Mr. Crouch replied it would go straight into the lagoons as the end of the plant and bypass the biological treatment process and it would bypass the process where they were digesting the biological sludge that has been removed.

In response to a question as to how much that would affect the lagoons as far as the drying time as from what he saw, that pipe had a substantial amount of water coming through along with the alum sludge. He asked if that would affect it to a degree that there would be a problem.

Mr. Crouch explained that the solids going in there now are being concentrated to some degree in the digester before they are going to the lagoon. They were probably getting fifty- percent volume reduction by going through the digester.

Mayor Price asked if there was anything else going through there other than the material from the water plant. Mr. Crouch replied that this was basically the backwash in the sedimentation, the solids that settle out into the basins of the water plant.

Council Member Gover replied he thought they were going to divert from the 22 percent of sludge to point B where they can pump it into the lagoon and utilize the same machinery they already have. He noted that he had visited the plant and they were talking about adding horsepower at which time he asked that question. They say if they increase the horsepower, they would have to change the whole substation. He asked about how much horsepower they were talking about on that pumping operation.

Mr. Crouch replied he did not know off the top of his head.

April 16, 2002

CITY OF EDEN, N. C.

Minutes of the April 16, 2002 meeting of the City Council, City of Eden, N. C.

Mr. Crouch explained that the second phase was more long term, five years down the road, but it's not immediate and they recommend the proceeding with this after the first phase is done and they have time to look at the impact of those improvements on the treatment plant. They feel that by making these improvements would have a significant impact on the operation of the plant. It may postpone the need for this next phase, but they were looking at preparing plans and actually constructing a building to dewater the sludge, the building would house two filter presses and then have adjacent covered space for the storage of dried sludge. That way they can accumulate the sludge over several months of the year and it eliminates the bottleneck they have at the end of the plant when they are not able to land apply during all months of the year.

The last phase was totally dependent on flow rate and they anticipate that they will not need to do these recommendations until such time that the flows to the plant increase to approximately 10 million gallons per day or so. There they are recommending additional digester capacity. The problem with the existing digester is that it is extremely small for the size plant the city has and there only a single digester. Approximately 10 years down the road they are anticipating that they will need to do this work for the additional digesters.

In summary, Mr. Crouch stated they felt that the immediate improvement will have a significant impact on the plant. The operators have already made some of the operational changes in the plant and are removing sludge and getting the levels in some of the basins to recommended levels to approve the operation of the plant. With those changes and diverting these water treatment plant solids out of there, and getting the sludge out of the basin, the equipment that is already there should do a better job. They will definitely get more results for the dollars they are spending on energy at the plant.

A motion was made by Council Member Grogan seconded by Council Member Tudor to accept this report and the recommendation contained in it for information and for planning and budgeting purposes. All Council Members voted in favor of this motion. The motion carried.

(b) Consideration of variances on a preliminary plat for Woodbriar located on Virginia and Lincoln Streets. SUBDIVISIONS S-02-02.

The memorandum provided to Council explained that the city has received a preliminary subdivision plat for property located on Virginia Street and Lincoln Street extraterritorial jurisdiction. The plat is for the Woodbriar subdivision. The property is platted into 112 lots and is approximately 196.12 acres in size.

The Planning and Inspections Department recommended approval of the final plat with a variance in cul-de-sac length and right-of-way width. At a special meeting on April 2, 2002, the Planning Board approved the preliminary plat and voted unanimously to recommend to City Council that the variances be approved.

A motion was made by Council Member Vestal seconded by Council Member Grogan to approve this request. All Council Members present voted in favor of this motion. (Council Member Myott had temporarily stepped out of the Council Chambers). The motion carried.

April 16, 2002

CITY OF EDEN, NC

Minutes of the April 16, 2002 regular meeting of the City Council, City of Eden, N. C.:

(c) Consideration of of The Wooten Company as a consultant for the CDBG for Flint Hill.

The memorandum explained that the city has taken the required steps to advertise and to request for proposals to engage a consultant for the Flint Hill Community Development Block Grant. The first time the advertisement was run and bidders were sought the only proposal received was from The Wooten Company. Likewise, when they did a second request, they only received a proposal from The Wooten Company.

A motion was made by Council Member Vestal seconded by Council Member Grogan to approve this recommendation of the Wooten Company. All Council Members present voted in favor of this motion. (Council Member Myott had temporarily stepped out of the Council Chambers). This motion carried.

(d) Consideration of cash management policy.

The memorandum provided to Council contained a copy of the City's Cash Management Policy. The Finance Department staff was currently implementing this policy. It has been revised to include the changes in title (Finance Director to Director of Finance and Personnel), changes in the utilities fees as covered by the new reconnect policy, and to adjust their investment policy to meet the city current needs (i.e. lowers the amount the city can invest in commercial paper, and the length of term on some of our investments). This should better suit the city's financial needs.

This policy was presented to the members in attendance of the March Finance Committee meeting.

A motion was made by Council Member Grogan seconded by Council Member Tudor to approve this recommendation. All Council Members present voted in favor of this motion. (Council Member Myott was temporarily out of the Council Chambers). This motion carried.

(e) Consideration of reconnect policy.

The memorandum provided to Council contained the reconnect policy related to the city's water and sewer system. A version of this policy was previously adopted by Council but for an undetermined reason was never implemented.

This policy follows the basic guidelines that the city uses now. A primary difference is that this allows the consumer to "establish" good credit with the city thereby allowing a customer to receive a deposit refund provided the proper procedures are followed. It also raises the returned check fee from \$20.00 to \$25.00 as provided by general statute.

The policy also addresses the various programs available to citizens who have difficulty paying their bills. It also gives the City Manager and Director of Finance and Personnel some flexibility in handling unforeseen situations that may arise that are unique to the individual customer and have not been defined in this policy.

This policy was presented to the members in attendance at the March Finance Committee meeting.

April 16, 2002

CITY OF EDEN, N. C.

Minutes of the April 16, 2002 meeting of the City Council, City of Eden, N. C.

A motion was made by Council Member Vestal seconded by Council Member Epps to approve this recommendation. All Council Members present voted in favor of this motion. (Council Member Myott was temporarily out of the Council Chambers). This motion carried.

(f) Consideration of travel policy.

The memorandum presented to Council contained a copy of the city's Travel Policy. The Finance Department staff is currently implementing a version of this policy. It has been revised to include the changes in title (Finance Director to Director of Finance and Personnel), and changes as prescribed by the IRS Per Diem rates. This should better insure the more effect use of the city's monies when travel by city staff is necessitated.

This policy was presented to the members in attendance of the March Finance Committee meeting.

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

(g) Consideration of Budget Amendment No.19.

The memorandum explained that Budget Amendment No. 19 was to adjust monies within the various water and sewer construction funds for various projects approved by Council during the current fiscal year. Since these items have already been approved, this was basically a "housekeeping" amendment. This would enable them to more accurately track expenses related to the particular construction projects.

This is the 19th Budget Amendment for the year:

| <u>Budget Amendment #19</u> | <u>Account</u> | <u>From</u> | <u>To</u> | <u>Amount</u> |
|----------------------------------|----------------|--------------|--------------|---------------|
| Water Construction Fund | | | | |
| Revenues | | | | |
| W/C Transferred from the SC Fund | 71-3986-98100 | \$ | \$10,000.00 | \$ 10,000.00 |
| Expenses | | | | |
| W/C Maintenance and Repair | 71-8120-24600 | \$ 34,950.00 | \$24,950.00 | \$(10,000.00) |
| Water Intake Upgrade | 71-8120-24601 | \$ 33,000.00 | \$13,000.00 | \$(20,000.00) |
| Forest Road W/L Upgrade | 71-8120-52105 | \$ | \$25,000.00 | \$ 25,000.00 |
| Roll-about W/L Upgrade | 71-8120-52106 | \$ | \$15,000.00 | \$ 15,000.00 |
| | | | | <hr/> |
| | | | | \$ - |
| Expenses | | | | |
| SC transferred to the W/C | 72-8130-98100 | \$ | \$ 10,000.00 | \$ 10,000.00 |
| S/C M/R System | 72-8130-24600 | \$150,000.00 | \$123,800.00 | \$(26,200.00) |
| S/C Advertising | 72-8130-37200 | \$ | \$ 200.00 | \$ 200.00 |

April 16, 2002

CITY OF EDEN, NC

Minutes of the April 16, 2002 regular meeting of the City Council, City of Eden, N. C.:

| | | | | |
|-------------------------|---------------|----|--------------|--------------|
| Edgewood Rd S/L Upgrade | 72-8130-52108 | \$ | \$ 16,000.00 | \$ 16,000.00 |
| | | | | <hr/> |
| | | | | \$ - |

Adopted and effective this 16th day of April, 2002.

ATTEST:

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

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

A motion was made by Council Member Tudor seconded by Council Member Reynolds to adopt Budget Amendment No. 19. All Council Members voted in favor of this motion. This motion carried.

(h) Consideration of replacing Billing and Collections truck, and related budget amendment.

The memorandum provided to Council explained that BC1 was in considerable need of repair. The transmission was slipping and the truck has become unreliable. This truck has caused serious productivity problems with regards to reading meters. The Fleet Maintenance Superintendent has estimated that it will take approximately \$3,000 to put the truck back on-line. The truck is a 1985 model and has about 190,000 miles on it. It appears to be at the end of its useful life. NADA estimates a truck in poor condition, as this one is, to be worth a few hundred dollars.

The Fleet Maintenance Superintendent has provided prices for a new Ford Ranger. This truck will be basic in nature only requiring a 4-cylinder motor, heat/ac, and a new strobe light. The estimated cost of this truck will be \$10,945 not including the strobe light. Since the estimated repairs total approximately 30% of the new vehicle, the Director of Finance & Personnel asked that the Council approve the purchase of a new truck. Funding for this truck would come from the Water and Sewer Fund Contingency. The Director also asked for \$11,500 on the following budget amendment to cover the cost of the truck and a new strobe light. This item was brought to the attention of the members in attendance at the April 1st Finance Committee meeting and has their support.

This is the Twentieth Budget Amendment for the year:

| <u>Budget Amendment #20</u> | <u>Account</u> | <u>From</u> | <u>To</u> | <u>Amount</u> |
|-------------------------------|----------------|--------------|-------------|----------------------|
| Water & Sewer Fund | | | | |
| C/O Vehicle | 30-7115-55000 | \$ | \$11,500.00 | \$ 11,500.00 |
| Contingency | 30-9990-99100 | \$ 53,975.02 | \$42,475.02 | <u>\$(11,500.00)</u> |
| | | | | \$ - |

Budget Amendment #20 is to record the purchase of Meter Reader Replacement Truck.

Adopted and effective this 16th day of April, 2002.

ATTEST:

s/Kim J. Scott

s/Philip K. Price

April 16, 2002

CITY OF EDEN, N. C.

Minutes of the April 16, 2002 meeting of the City Council, City of Eden, N. C.

Kim J. Scott, City Clerk

Philip K. Price, Mayor

A motion was made by Council Member Epps seconded by Council Member Tudor to approve this recommendation and adopt the budget amendment, All Council Members voted in favor of this motion. The motion carried.

(i) Consideration of replacing truck M-14, and related budget amendment.

The memorandum explained that on March 17, 2002, vehicle M-14 was totaled in a traffic accident at the corner Van Buren and Harris Place. The police report did not find either driver at fault. Because of the age of the vehicle, comprehensive insurance coverage had been discontinued. As a result, no insurance reimbursements will be received to offset this loss.

Vehicle M-14 was important to operations. It was used for hauling equipment, transporting people to job sites, accessing difficult terrain with the four-wheel drive and plowing snow for access to our facilities in inclement winter weather conditions. This type of vehicle is indispensable during bad weather for insuring access to the water and the wastewater plants and pump stations for continuous operation of these facilities and the services they provide.

It was recommended that vehicle M-14, a 1/4ton Chevrolet 4x4 Pickup, be replaced with a 2002, 1/4 ton Dodge 4x4 Pickup. Following are two quotes for vehicles properly equipped to provide the level of performance required:

| | |
|------------------------------|----------|
| Green Gifford Fleet Services | \$20,465 |
| Ilderton Dodge | \$20,599 |

Both quotes were based on State Contract bid specifications for this size and type of truck. The truck offered is equipped with special heavy duty options that make it ideal for carrying a snow plow. The low bidder, Green Gifford has preordered a limited number of trucks so equipped. Delivery within 30 days of issuance of a purchase order is anticipated. A Budget Amendment Request is attached showing transfers from six wastewater treatment accounts to fund this purchase. I request authorization to proceed with this purchase.

This is the Twenty-First Budget Amendment for the year:

| <u>Budget Amendment #21</u> | <u>Account</u> | <u>From</u> | <u>To</u> | <u>Amount</u> |
|-------------------------------|----------------|--------------|--------------|----------------------|
| Water & Sewer Fund | | | | |
| C/O Vehicle | 30-7130-55000 | \$ 26,000.00 | \$46,500.00 | \$ 20,500.00 |
| Safety Equipment | 30-7130-21300 | \$ 4,500.00 | \$ 2,000.00 | \$ (2,500.00) |
| M/R Vehicles | 30-7130-25300 | \$ 8,000.00 | \$ 6,000.00 | \$ (2,000.00) |
| M/R Equipment | 30-7130-25700 | \$116,687.50 | \$104,687.50 | \$(12,000.00) |
| M/R Building | 30-7130-35100 | \$ 20,500.00 | \$ 18,500.00 | \$ (2,000.00) |
| C/O Equipment | 30-7130-57000 | \$ 69,994.00 | \$ 68,994.00 | \$ (1,000.00) |
| Training | 30-7130-39500 | \$ 8,800.00 | \$ 7,800.00 | <u>\$ (1,000.00)</u> |
| | | | | <u>\$ -</u> |

Budget Amendment #21 is to record the purchase of Replacement Vehicle for M14 involved in a traffic accident.

Adopted and effective this 16th day of April, 2002.

April 16, 2002

CITY OF EDEN, NC

Minutes of the April 16, 2002 regular meeting of the City Council, City of Eden, N. C.:

ATTEST:

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

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

A motion was made by Council Member Grogan seconded by Council Member Tudor to approve this recommendation and adopt the budget amendment. All Council Members voted in favor of this motion. This motion carried.

(j) Consideration of replacing PD 88.

The memorandum explained that PD 88 is a 1995 Pontiac Grand Prix with 94092 miles on it. It has a serious engine problem and is not in service. The Fleet Maintenance Superintendent states that it will take \$2,600 to repair it and that it is only worth \$4,190 in running condition.

The car has been used for undercover drug investigations. Its operator is currently without a car of his own.

The Police Chief would like to replace it with a used Highway Patrol car like the one recently purchased for Captain Johnson. There is no specific car in mind, they have to wait until a good one becomes available. A nice one can be purchased between \$9,000 and \$10,000.

The vehicle will not be used for undercover buys, but will be used for transportation for a drug investigator. Since it will be used in this manner, they can spend drug tax or asset forfeiture money to buy it. The money is available.

The Police Chief's requests were: (1) Grant permission to spend between \$9,000 and \$10,000 on a used Highway Patrol car. Specify that Fleet Maintenance Superintendent has to see and inspect the car first and determine that the price is fair and (2) surplus PD 88a reimburse drug tax and asset forfeiture account with proceeds.

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

(j) Consideration of billboard signage moratorium.

Council Member Vestal explained that he was very concerned about the two billboards on Highway 14 north and south and the regulations at this time, if they can build it, then they can jack it up there. We do not have regulations to cover this.

A motion was made by Council Member Vestal seconded by Council Member Gover to ask that the City Council initiate a zoning text amendment and call for a public hearing for the May 2002 City Council meeting for the purpose of enacting a moratorium on the direction of any independent or accessory sign larger than 100 sq. feet for a period not to exceed 120 days after that date of the public hearing. This proposed amendment will be added to Subsection E, Subsection 11.31, Signs of the City in the Eden Zoning Ordinance. (It was noted that the motion was to call for a public hearing to impose a moratorium).

April 16, 2002

CITY OF EDEN, N. C.

Minutes of the April 16, 2002 meeting of the City Council, City of Eden, N. C.

Council Member Epps asked if those signs were on state road or in our jurisdiction to which Mrs. Stultz replied they were along state maintained highways, but within the city's zoning jurisdiction. They would not be in the right of way as they were on private property.

Council Member Vestal stated there was nothing to prevent them from going to the next lot up and putting one up another one just like it.

Action on the motion: All Council Members voted in favor of this motion. The motion carried.

(l) Consideration of traffic directional arrows at the intersection of Linden Drive and Harris Place.

The memorandum explained that this was a four way intersection controlled by stop signs on the north and south side of the intersection. The lanes on the north side of the intersection have markings for left turn/straight traffic on the inside lane and right turn on the outside lane that control south bound traffic. The lanes exiting the Eden Centre are not as clear, with the markings for north bound traffic has lanes for left turns in the middle lane and right turns on the outside lane, with no arrow clearly marking the proper lane for straight thru traffic. There have been seven traffic collisions at this site since 1999.

It was recommended that the city revise their markings on the north side of the intersection by changing the straight lane to the outside lane in conjunction with the right turn lane. In addition, it was suggested that Mr. Billy Shipwash, Streets Superintendent, contact the owners of the Eden Centre for revising their markings for traffic exiting their property. It was recommended that they install a straight and right turn lane on the outside perimeter and a left-turn lane in the middle. These changes would coordinate the straight lanes parallel to each other, allowing traffic to continue in a straight pattern versus crossing over at a diagonal angle. These would reduce some of the risk factors that have caused some of the accidents at this location.

A motion was made by Council Member Gover seconded by Council Member Myott for approval as presented. All Council Members voted in favor of this motion. The motion carried.

(m) Consideration of resolution providing for the purchase of bond insurance.

A regular meeting of the City Council of the City of Eden, North Carolina, was held in City Hall in Eden, North Carolina, the regular place of meeting, at 7:30 p.m. on April 16, 2002.

Present: Mayor Philip K. Price, presiding, and Council Members Epps, Reynolds,

Grogan, Gover, Tudor, Myott, and Vestal

Absent: None

Also Present: _____

* * * * *

April 16, 2002

CITY OF EDEN, NC

Minutes of the April 16, 2002 regular meeting of the City Council, City of Eden, N. C.:

Council Member Grogan introduced the following resolution the title of which was read and copies of which had previously been distributed to the City Council:

RESOLUTION PROVIDING FOR THE PURCHASE OF BOND INSURANCE IN CONNECTION WITH THE CITY OF EDEN'S GENERAL OBLIGATION WATER AND SEWER REFUNDING BONDS, SERIES 2002 (AMT)

WHEREAS, pursuant to a resolution entitled "RESOLUTION PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION WATER AND SEWER REFUNDING BONDS, SERIES 2002" and adopted by the City Council of the City of Eden, North Carolina (the "City"), the City will be issuing its General Obligation Water and Sewer Refunding Bonds, Series 2002 (AMT) (the "Bonds"); and

WHEREAS, the financial advisor to the City has advised that the City can receive substantial cost savings by purchasing a Financial Guaranty Insurance Policy (the "Policy") from MBIA Insurance Corporation ("MBIA") with respect to the Bonds.

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

Section 1. The City shall endeavor to purchase the Policy on the terms and conditions set forth in MBIA's commitment letter to the City dated April 3, 2002, subject to such changes, additions and deletions that the Director of Finance and Personnel in her judgment, with the advice of Bond Counsel, shall approve.

Section 2. The Director of Finance and Personnel, the City Manager and the Mayor of the City are each hereby authorized and directed, on behalf of the City, to execute and deliver any such instruments and agreements necessary to effectuate the transactions contemplated by this resolution and such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the City Council.

Section 3. All action heretofore taken with respect to the Policy by the Director of Finance and Personnel and all other officers of the City is hereby approved, ratified and confirmed.

Section 4. This resolution shall become effective upon its passage.

Upon motion of Council Member Grogan, seconded by Council Member Vestal, the foregoing resolution entitled "RESOLUTION PROVIDING FOR THE PURCHASE OF BOND INSURANCE IN CONNECTION WITH THE CITY OF EDEN'S GENERAL OBLIGATION WATER AND SEWER REFUNDING BONDS, SERIES 2002 (AMT)" was passed by the following vote:

Ayes: All Members

Noes: _____

April 16, 2002

CITY OF EDEN, N. C.

Minutes of the April 16, 2002 meeting of the City Council, City of Eden, N. C.

* * * * *

I, Kim J. Scott, CMC, City Clerk of the City of Eden, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the City Council of said City at a regular meeting held on April 16, 2002, as it relates in any way to the passage of a resolution providing for the purchase of bond insurance and that said proceedings are recorded in Minute Book No. 27 of the minutes of said City Council.

I DO HEREBY FURTHER CERTIFY that a schedule, stating that the regular meetings of said City Council are held on the third Tuesday of each month at 7:30 p.m. in the City Hall in Eden, North Carolina, was on file with me for a least seven calendar days prior to said meeting, all in accordance with G.S. 143-318.2.

WITNESS my hand and the corporate seal of said City this 16th day of April, 2002.

s/Kim J. Scott

City Clerk

[SEAL]

A motion was made by Council Member Grogan seconded by Council Member Vestal for approval. All Council Members voted in favor of this motion. The motion carried.

(n) Status of 1212 Fieldcrest Road, 1001 Sharp Street and 1104 Stadium Drive.

Mayor Price called on Mrs. Stultz for a report. She explained that the Fire Department had 1212 Fieldcrest Road scheduled for burning and 1104 Stadium Drive was also in the burn schedule. She added that she and Mr. Medlin (City Attorney) had been giving 1001 Shape Street a lot of attention since January and they were in the process of locating heirs. There were seven heirs and they have signatures from five. She had spoken with the sixth heir, but he could not get his ex-wife to sign and they were also trying to locate one that lives in the State of Washington. She noted that she agreed with Council Member Gover in that it was a problem for that neighborhood.

Council Member Tudor asked if it would be possible when they have structures such as these that people who like to go into unoccupied buildings for the purpose of doing illegal things and if they are caught there doing the illegal things, that it would be possible for the property to be destroyed because it is a public nuisance.

Mrs. Stultz replied she was not familiar with that as it was generally a set of statutes that the police department deals with and there is a lot of documentation involved. At this point, as long as they have worked on this particular one, condemnation-wise, that would be the quickest way. If they cannot get the seventh heir to sign, then Mr. Medlin will help her do some other things to get court permission to do it.

April 16, 2002

CITY OF EDEN, NC

Minutes of the April 16, 2002 regular meeting of the City Council, City of Eden, N. C.:

Mayor Price asked for the alternative to which Mrs. Stultz replied that there were some ways that the statute would allow them to go through some elaborate steps and serve those people by publication.

In response to a question as to whether taxes have been paid on this property, Mrs. Stultz replied, no sir.

Chief Overby spoke regarding burning property. He explained that a lot of the delays were not of his doing, but the people who own the house. They pay and say they want a building burned, but they then have to call a person in to do an asbestos check and if they find it, they have to wait until those people get it out. He estimated 90 percent of the holdup being from that. They have four on the books for the next two weeks to burn and they have to send all of the paperwork to Raleigh. He noted they had called today and were coming to check because the City of Eden was burning so many houses and they want to make sure it was being done right.

Consent Agenda:

- (a) Approval and adoption of minutes - February 26, 28, March 14 and 19, 2002

A motion was made by Council Member Myott seconded by Council Member Gover for approval of the consent agenda. All Council Members voted in favor of this motion. The motion carried.

13. ORDINANCES AND RESOLUTIONS:

- (a) Approval and adoption of an ordinance closing an unopened alley adjacent to Harvey Street.
STREET CLOSING SC-02-01.

A motion was made by Council Member Gover seconded by Council Member Myott for adoption of this ordinance. Mr. Medlin (City Attorney) noted that this was the ordinance whereby they had requested an easement as a condition to granting this. The easement has been prepared and Mrs. Stultz informed him that they have the signatures as of today. All Council Member voted in favor of this motion. The motion carried.

- (b) Approval and adoption of an ordinance rezoning property on Boone Road, Bridge Street, Reeves Street, Moncure Street and Moir Street from Industrial-1 to Business-General.
ZONING CASE Z-02-02.

A motion was made by Council Member Grogan seconded by Council Member Myott for adoption of this ordinance. All Council Members voted in favor of this motion. The motion carried.

- (c) Approval and adoption of an ordinance amending Chapter 4 and Chapter 6 of the Eden City Code pertaining to code enforcement in the city's extraterritorial jurisdiction.

April 16, 2002

CITY OF EDEN, N. C.

Minutes of the April 16, 2002 meeting of the City Council, City of Eden, N. C.

A motion was made by Council Member Myott seconded by Council Member Grogan for adoption of this ordinance. Action on the motion was as follows: Voting in favor of this motion were Council Members: Epps, Grogan, Tudor, and Myott. Voting in opposition were Council Members Gover, Reynolds and Vestal. The motion carried.

VOUCHERS:

There were no discussions on vouchers.

CLOSED SESSION:

A motion was made by Council Member Grogan seconded by Council Member Epps for a closed session for consultation with the City Attorney according to GS 143-318.11(a)(3). All Council Members voted in favor of this motion. The motion carried.

OPEN SESSION:

A motion was made by Council Member Tudor seconded by Council Member Gover to return to open session . All Council Members voted in favor of this motion. The motion carried.

ADJOURNMENT:

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

Respectfully submitted,

Kim J. Scott
City Clerk

ATTEST:

Philip K. Price
Mayor