

## CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, December 17, 2002 at 7:30 p.m. in the Council Chambers, 308 E. 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
	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:	Steve Lawson, <u>Eden Daily News</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:

Pastor Jerry Epps, City Council Member, led the invocation.

### ADDITION(S) TO AGENDA:

(a) Add Resolution for Clean Air Act to New Business.

A motion was made by Council Member Grogan seconded by Council Member Gover to add this item to New Business. All Council Members voted in favor of the motion.

(b) Mayor Price advised that they would be deleting items 8(a) and 9(g).

As there were no further additions or deletions, Mayor Price declared that the agenda was set.

### MONTHLY FINANCIAL REPORT:

Mayor Price advised that Mrs. Ford had prepared the report. He noted that Mrs. Ford had provided a lot of details in regard to the finances of the City. He stated that Mrs. Ford had indicated that approximately forty-two percent of the revenue and expenditures for the City should be made and spent by this time of the year. He explained that it was basically taking the expenditures and dividing by twelve times the number of months in the fiscal year. He advised that they could see the City was on target for that, although they had three departments that were higher than that. He said he thought in view of the expenditures and revenue coming in the spring of the year, there would be some attempt to monitor those very closely.

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

### REQUESTS AND PETITIONS OF CITIZENS:

No one came forward to speak.

December 17, 2002

City of Eden, N. C.

Minutes of the regular December 17, 2002 meeting of the City Council, City of Eden, continued:

7. UNFINISHED BUSINESS:

(a) Consideration of appointments and reappointment to Boards and Commissions.

The memorandum provided to Council explained that each year at the December meeting, the City Council makes appointments to various boards and commissions of the city's planning organization. Each member of these groups is appointed for a three (3) year term. The terms are staggered so that only a portion of the terms are completed each year. Attached was a list of all positions who terms expire or are vacant and another list of these same positions sorted by the governing board member responsible for the nomination.

The Council was asked to review the list in order to be prepared to make your appointments and or reappointments at the December 2002 meeting.

Board of Adjustment:

Council Member Grogan stated that he would like to nominate Cleveland Ellison to serve another term from 2003-2005.

Mayor Price advised that his appointment to the Board of Adjustment was Roger Brown. He noted that the ETJ did not have a recommendation for that. He stated that Mr. [Charles] Martin had served ably on the Board. He questioned whether they would like for Mr. Martin to be on the nomination.

A motion was made by Council Member Vestal seconded by Council Member Grogan to nominate Charles Martin to serve on the ETJ. All Council Members voted in favor of this motion. This motion carried.

Mayor Price advised that they would vote on the nominees for the Board of Adjustment with a motion from a member of the Council.

A motion was made by Council Member Grogan seconded by Council Member Gover to reappoint Cleveland Ellison, Roger Brown, and Charles Martin to the Board of Adjustment. All Council Members voted in favor of this motion. This motion carried.

Community Appearance Commission:

Council Member Epps advised that he would have to pass (at this time).

Council Member Grogan stated that he also would have to pass at the present.

Mayor Price stated that he would like to nominate Mary Sweeters for another term.

Council Member Gover nominated Dorrie Coleman for reappointment.

A motion was made by Council Member Epps seconded by Council Member Myott to reappoint the nominees, Mary Sweeters and Dorrie Coleman to the Community Appearance Commission. All Council Members voted in favor of this motion. This motion carried.

Historic Preservation Commission:

Council Member Myott recommended that Beth Pulliam be reappointed for 2003-2005 term.

Council Member Epps stated that he would like to reappoint Louise Price.

Council Member Vestal said that he would like to reappoint Mrs. [Marianne] Aiken.

A motion was made by Council Member Gover seconded by Council Member Epps to reappoint the nominees, Beth Pulliam, Louise Price, and Marianne Aiken to the Historic Preservation Commission. All Council Members voted in favor of this motion. This motion carried.

December 17, 2002

City of Eden, N. C.

Minutes of the regular December 17, 2002 meeting of the City Council, City of Eden, continued:

Planning Board:

Council Member Tudor stated that he would like to reappoint Dr. [Charles H.] Kinney.

Council Member Epps stated that he would like to reappoint Kenny [Kirkman].

A motion was made by Council Member Myott seconded by Council Member Grogan to reappoint the nominees, Dr. Charles Kinney and Kenny Kirkman to the Planning Board. All Council Members voted in favor of this motion. This motion carried.

Tree Board:

Council Member Reynolds stated that he would like to reappoint William Mike.

Council Member Tudor stated he would like to reappoint Mickey Overby.

A motion was made by Council Member Gover seconded by Council Member Myott to reappoint the nominees William Mike and Mickey Overby to the Tree Board. All Council Members voted in favor of this motion. The motion carried.

(b) Consideration of transfer of responsibility for tanks and pump stations and approval of accompanying budget amendment.

The memorandum provided to the Council explained that with the hiring of a Collection and Distribution Superintendent last May, the Public utilities Department began a lengthy process of bringing the Collection and Distributions into compliance with new State regulations. The State will soon issue a NPDES type permit for the collection system. At that time a Collection System ORC (Responsible Operator in Charge) must be in place. . .

To complete the transfer of these operations to the Collection and Distribution Division, we have created a spreadsheet of costs to transfer funds from the water filtration plant, water resources and wastewater treatment accounts to the collection and distribution accounts to support the transfer of responsibilities between the divisions. Two employees will be moved from water resources, a mechanic and a system operator, to provide personnel to service the pump station facilities and water tanks. A service truck, vehicle M-17, will be transferred to Collection and Distribution to support the personnel. Sufficient funds are proposed for transfer to support the continued operation and upkeep of the Collection and Distribution Division during the remainder of the current budget year.

Budget Amendment # 6	Account #	From	To	Amount
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**Water & Sewer Fund Expenditures**

Salaries	30-7110-12100	\$ 476,200.00	\$ 453,082.00	\$(23,118.00)
FICA	30-7110-18100	\$ 12,000.00	\$ 10,232.00	\$ (1,768.00)
Retirement	30-7110-18200	\$ 34,100.00	\$ 32,537.00	\$ (1,563.00)
Group Insurance	30-7110-18300	\$ 71,100.00	\$ 66,129.00	\$ (4,971.00)
Disability Insurance	30-7110-18400	\$ 1,100.00	\$ 927.00	\$ (173.00)
Insurance/Bonds/WC	30-7110-18600	\$ 12,900.00	\$ 12,253.00	\$ (647.00)
Laundry/Uniforms	30-7110-21200	\$ 4,600.00	\$ 4,480.00	\$ (120.00)
Safety Equipment	30-7120-21300	\$ 2,000.00	\$ 1,700.00	\$ (300.00)
Safety Equipment	30-7110-21300	\$ 2,500.00	\$ 2,400.00	\$ (100.00)
Safety Equipment	30-7130-21300	\$ 3,000.00	\$ 2,900.00	\$ (100.00)
Dept Supplies	30-7130-29100	\$ 200.00	\$ (50.00)	\$ (250.00)
Auto Supplies/Gas	30-7130-25100	\$ 12,500.00	\$ 10,400.00	\$ (2,100.00)
Auto Supplies/Tires	30-7130-25200	\$ 1,800.00	\$ 1,350.00	\$ (450.00)
M/R Vehicles	30-7130-25300	\$ 7,500.00	\$ 6,500.00	\$ (1,000.00)
M/R Equipment	30-7130-35400	\$ 114,000.00	\$ 81,000.00	\$(33,000.00)
Office Supplies	30-7120-26100	\$ 200.00	\$ 175.00	\$ (25.00)
Office Supplies	30-7130-26100	\$ 200.00	\$ 175.00	\$ (25.00)
Chemicals	30-7130-29300	\$ 102,000.00	\$ 101,550.00	\$ (450.00)
Small Tools	30-7130-29800	\$ 400.00	\$ 200.00	\$ (200.00)
Utilities Electric	30-7120-33100	\$ 515,000.00	\$ 511,065.00	\$ (3,935.00)
Utilities Electric	30-7130-33100	\$ 135,000.00	\$ 83,385.00	\$(51,615.00)
M/R Bldg	30-7120-35100	\$ 13,000.00	\$ 11,180.00	\$ (1,820.00)



December 17, 2002

City of Eden, N. C.

Minutes of the regular December 17, 2002 meeting of the City Council, City of Eden, continued:

Eden. He noted that they had done their best to get the best truck they could for the money expenditure.

A motion was made by Council Member Epps seconded by Council Member Reynolds to accept the recommendation from the Fire Chief (to purchase the fire truck from E-One Corporation at \$148,708.00). All Council Members voted in favor of this motion. This motion carried.

## 8. NEW BUSINESS

(a) Consideration of assessment policy.

(This item was pulled)

(b) Consideration of approving the Clean Air Act Resolution.

Mayor Price advised the executive committee of Piedmont Triad Council of Governments had sent this information out from the full committee. He explained that it had in effect had the City being in partnership with the other members of that area. He apologized for the item coming in so late but noted that it was very important they have it in before the end of the month.

### RESOLUTION

**Whereas**, the federal Clean Air Act, through the Environmental Protection Agency (EPA) establishes air quality standards to protect public health and welfare; and

**Whereas**, North Carolina has acknowledged the importance of these standards in promoting quality of life, economic development and future healthy development; and

**Whereas**, the Triad region, along with two other metropolitan areas in the state, could not initially attain the 1977 federal ozone standard, known as the "one hour standard", but now has met this standard and is designated as "attainment" for the one-hour standard; and

**Whereas**, EPA's more stringent eight hour ozone standards has been in effect since 1997, and the North Carolina Department of Environment and Natural Resources (DENR), Division of Air Quality has preliminarily determined through monitoring and analysis that, Alamance, Guilford, Forsyth, Davidson, Davie, Randolph, Stokes, Yadkin, potentially Surry, and parts of Caswell and Rockingham Counties in the Piedmont Triad Region currently exceed the eight hour standard; and

**Whereas**, DENR, will conduct public meetings in the spring of 2003; will engage in further analysis of monitoring data, commuting patterns, current and projected population, and current and projected daily driving distances per vehicle; and will finally recommend to EPA in the summer of 2003 which North Carolina counties and parts of counties qualify as non-attainment for the eight hour ozone standard; and

**Whereas**, EPA, in the absence of other initiatives by affected areas, will in 2004 designate areas as non-attainment for the eight hour standard; and

**Whereas**, designation as non-attainment is widely acknowledged to have extremely negative consequences for an area's economic development, transportation planning and construction and quality of life; and

**Whereas**, EPA, in conjunction with state governments, business, industry and environmental interests has developed an option know as an "Early Action Compact," (EAC) through which an area, in partnership with the state and EPA, can defer the effective date of designation as non-attainment (from 2004 to 2007) by voluntarily developing and implementing a plan to attain the eight hour standard by the end of 2007; and

**Whereas**, the benefits of participating in an Early Action Compact include: clean air sooner, delaying (potentially even avoiding) non-attainment designation, minimizing the impact of air quality standards on new industrial construction' minimizing the impact of air quality standards on transportation planning and construction; less complicated conformity plans; flexibility to achieve standards in cost effective ways; development of local standards in partnership with stakeholders and the state, and other benefits; and

**Whereas**, any local government participating in an Early Action Compact may withdraw at any time with no penalty until a jointly developed State Implementation Plan is adopted for that area;

**Now Therefore Be It Resolved, that** the City Council of the City of Eden affirms its support for development and implementation of Early Action Plan (EAP) for affected counties in the Piedmont Triad Region that will reduce ground-level ozone concentrations to comply with the 8-hour ozone standard by December 31, 2007, and

**Further that**, signatory parties to the Early Action Compact commit to develop, implement and maintain the Early

December 17, 2002

City of Eden, N. C.

Minutes of the regular December 17, 2002 meeting of the City Council, City of Eden, continued:

Action Plan according to EPA Protocol for Early Action Compacts issued June 19, 2002, Designated to Achieve and Maintain the 8-Hour Ozone Standard; and

**Further, that**, participating local governments will develop this plan in coordination with DENR, EPA, stake holders and the public; and

**Further that**, the Early Action Plan will include a process to monitor and maintain long-term compliance with the standard; and

**Further that**, the Early Action Plan will be submitted to DENR and EPA for review by January 21, 2004 and finalized by March 31, 2004.

**Further that**, the Early Action Plan will be submitted to DENR and EPA for review by January 21, 2004 and finalized by march 31, 2004 for inclusion in the Statewide Implementation Plan by December 31, 2004.

**Further that**, participating local governments will observe the following protocol and milestones in completing the Early Action Plan.

Early Action Compact Milestones	
December 31, 2002	Signed Early Action Compact (participating local governments DENR, EPA)
May 31, 2003	Initial modeling emissions inventory completed (state Division of Air Quality – DAQ) Conceptual modeling completed (DAQ) Base case modeling completed (DAQ)
June 16, 2003	Identify and describe local strategies being considered for inclusion in local clean air plans (local governments, stakeholders, DAQ)
June 30, 2003	Biannual status reports to begin (local governments and DAQ)
October 31, 2003	Future year emissions inventory modeling completed (DAQ) Emissions inventory comparison and analysis completed (DAQ) Future case modeling completed (DAQ)
January 31, 2004	Attainment maintenance analysis completed (DAQ) One or more modeled control cases completed (DAQ) Local emission reduction strategies selected (local governments, stakeholders, DAQ) Submission of preliminary Early Action Plan to DENR and EPA
March 31, 2004	Final revisions to modeled control cases completed (DAQ) Final revisions to local emission reduction strategies completed (Local governments, stakeholders, and DAQ) Submission of final Early Action Plan to DENR
December 31, 2004	Early Action Plan adopted and incorporated into the State Implementation Plan (SIP); SIP submitted to EPA
December 31, 2005	Local emission reduction strategies implemented no later than this date
June 30, 2006	Biannual status reports on implementation of measures begin on this date
December 31, 2007	Attainment of the 8 hour standard no later than this date

**Further that**, if participating local governments do not meet all the terms of the Early Action Compact including meeting agreed upon milestones, then the are will forfeit its participation and will revert to the standard EPA non-attainment process according to EPA's 8-hour ozone implementation rules; and

**Further that**, before formal adoption into the State Implementation Plan (December 31, 2004), the Early Action Compact may be modified or terminated by mutual consent of all participating parties, and any party may withdraw from the agreement without penalty.

Adopted by the Eden City Council this the 13<sup>th</sup> of November, 2002.

ATTEST:

s/Kim J. Scott  
Clerk

s/Philip K. Price  
Chief Elected Official

Council Member Grogan stated that the information did not get to the Council of Governments until two days before their normal monthly meeting for the executive committee. He said it

December 17, 2002

City of Eden, N. C.

Minutes of the regular December 17, 2002 meeting of the City Council, City of Eden, continued:

would be discussed at the delegate's meeting tomorrow. He noted that the third paragraph of the resolution probably spelled out the whole thing about clean air and what it could do as far as Rockingham County with Eden involved. He stated that it gave the City some time working with the EPA to come up with a goal because if they did not do it, it could effect new industry, et cetera, relocating or locating in Rockingham County.

A motion was made by Council Member Grogan seconded by Council Member Tudor to accept the resolution which would effect a six county region, really a twelve county region because the northwest clause would do the same thing, and set up the pact for a clean air act. All Council Members voted in favor of this motion. This motion carried.

Mayor Price stated that he wanted to commend Council Member Grogan, who was the chairman of the Council of Governments in the area. He noted that Council Member Grogan had put a lot of time and effort into the organization for a number of years.

#### 9. CONSENT AGENDA:

(a) Approval and Adoption of minutes - November 19, 2002

(c) Approval and adoption of a motion for adoption of a proclamation declaring a state of (water) emergency due to drought conditions experienced during 2002.

#### PROCLAMATION DECLARING A STATE OF EMERGENCY

Whereas the Piedmont of North Carolina has experienced four successive years of increasingly severe drought conditions in 1998, 1999, 2001, and 2002, and

Whereas drought conditions throughout the Piedmont of North Carolina in 2002 exceeded in severity all historical drought records, and

Whereas the water level in the Dan River at the City of Eden raw water intake dropped to levels such that the existing raw water intake was unable to withdraw water from the river, and

Whereas the City of Eden was in danger of running out of water because of being unable to access water in the Dan River with its existing facilities, and

Whereas drought conditions in the Piedmont of North Carolina were at the highest level – D4 Exceptional Drought, throughout a significant part of the summer, and

Whereas the City of Eden activated its Emergency Water Conservation Plan (Eden City Code §16-81 through §16-86) to level IV – Severe Mandatory Conservation, and

Whereas because of the impacts of the drought, North Carolina Governor Michael F. Easley declared a State of Disaster on August 30, 2002.

Now therefore the City Council of the City of Eden does hereby declare and designate that a state of emergency existed in the City of Eden beginning July 1, 2002, because of drought conditions.

APPROVED AND ADOPTED this the 17<sup>th</sup> day of December, 2002.

CITY OF EDEN

BY:

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

s/John E. Grogan  
John E. Grogan, Mayor Pro Tem

s/Jerry C. Epps  
Jerry C. Epps, Council Member

s/C.H. Gover  
C. H. Gover, Council Member

s/Christine H. Myott  
Christine H. Myott, Council Member

s/Ronald Reynolds  
Ronald Reynolds, Council Member

s/Garry Tudor  
Garry Tudor, Council Member

s/Billy Vestal  
Billy Vestal, Council Member

December 17, 2002

City of Eden, N. C.

Minutes of the regular December 17, 2002 meeting of the City Council, City of Eden, continued:

ATTEST:

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

(c) Approval and adoption of a motion for a “State – Applicant Disaster Assistance Agreement”.

The memorandum provided explained that if the Applicant Disaster Assistance Agreement is approved, the agreement will be signed and submitted to the NC Division of Emergency Management as part of a submittal for reimbursement for drought mitigation expenses incurred by the City of Eden during 2002. (Agreement on file in the office of the City Clerk)

(d) Approval and adoption of a motion adopting a Resolution – Designation for Applicant’s Agent – NC Division of Emergency Management – Grant Agent.

The memorandum provided recommended approval of the resolution designating Lori Ford as the city’s primary agent, and Dala Stanley as secondary agent in matters pertaining to an application for reimbursement for drought mitigation expenditures.

Resolution  
Designation of Applicant’s Agent  
North Carolina Division of Emergency Management

Organization Name: City of Eden  
Applicant’s Fiscal Year (FY) Start: Month 07 Day 01  
Applicant’s Federal Employer’s Identification Number: 56-0896097  
Applicant’s Federal Information Processing Standards (FIPS) Number:  
**Primary Agent:** Name: Lori Ford **Secondary Agent:** Name: Dala Stanley  
Organization: City of Eden Organization: City of Eden  
Official Position: Finance/Human Resources Director Official Position: Accounting Coordinator  
Mailing Address: 308 E. Stadium Drive, Eden, NC 27288

BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert R. Stafford Disaster Relief and Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and **the assurances printed on the reverse side hereof**. BE IT FINALLY REOLVED THAT the above-named agents are authorized to act severally. PASSED AND APPROVED this 17<sup>th</sup> day of December, 2002.

**GOVERNING BODY**  
Name and Title: Philip K. Price, Mayor

**CERTIFYING OFFICIAL**  
Name and Title: Kim J. Scott, City Clerk

**CERTIFICATION**

I, Kim J. Scott, duly appointed and City Clerk, of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of City of Eden on the 17<sup>th</sup> day of December, 2002.

Date: December 17, 2002 Signature: s/Kim J. Scott

(e) Approval and adoption of a motion declaring old City Park on Highway 14 as surplus and authorization to sell in same manner as other properties declared surplus in October of 2002.

The memorandum provided to Council explained that there had been research on the possibility of retaining the Hwy 14 City Park or selling it while maintaining a river access with the following results:

Retaining:

In order to retain the park, numerous modifications would need to be made to bring the park up to current standards, including:

New Playground Equipment	\$45,000
River Access	\$40,000
Handicap Accessible Restrooms	\$10,000
Street Patching and Resurfacing	\$24,000
Total	\$109,000

In view of the extensive costs involved in park renovations and on-going maintenance, it would seem prohibitive to retain this facility. Moreover, according to Appraiser Tommy Davis, the value of the property would diminish



December 17, 2002

City of Eden, N. C.

Minutes of the regular December 17, 2002 meeting of the City Council, City of Eden, continued:

considerably if the public river access were maintained by the city. In view of the fact that the Spray Cotton Mill turbines block access to adjoining rivers, our efforts are providing river recreation may be better suited in other areas of the city, such as the Hamilton Street river access point.

Selling Point:

The park has been appraised at \$169,000. If we collect this amount, it would enable us to apply for matching grant funds to be used to complete the revenue-generating ballfields at the Freedom park and expedite the completion of the facility.

Conclusion:

Under the current economic conditions, and due to the substantial improvements required to restore the hwy 14 City Park, we recommend the park be sold and proceeds used to complete Freedom Park.

- (f) Approval and adoption of a motion to adopt the Annual Certification of Firemen.
- (g) Approval and adoption of a motion to adopt an amendment to Section 12.58 (d) of the Eden City Code of Ordinance. (Chapter 12 – Solid Waste, Section 12.58 Preparation for Collection, Subsection (D)).

(This item was pulled from the agenda)

- (h) Approval and adoption of a motion to approve a Subordination Agreement for the City of Eden Freedom Park.

A motion was made by Council Member Epps seconded by Council Member Tudor to approve the Consent Agenda items a,b,c,d,e,f, and h. All Council Members voted in favor of this motion. The motion carried.

10. VOUCHERS:

Mayor Price explained that any discussion or questions should be discussed with the City Manager or Mrs. Ford. He stated that they did give good background information.

ADJOURNMENT:

Council Member Grogan made a motion to adjourn and added that he like to do that wishing a happy holiday season to the citizens of Eden as well as the Eden City Council and the City Attorney. Council Member Tudor seconded the motion. All Council Members voted in favor of this motion. This motion carried.

Respectfully submitted,

\_\_\_\_\_  
Kim J. Scott  
City Clerk

ATTEST:

\_\_\_\_\_  
Philip K. Price  
Mayor