

CITY OF EDEN, N.C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, February 19, 2002 at 7:30 p.m. in the City Council Chambers, 308 East Stadium Drive. Those present for the meeting were as follows:

Mayor:	Philip K. Price
Mayor Pro Tem:	John E. Grogan
Council Members:	Ronald H. Reynolds
	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>

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. Dewey Griffith, of Osborne Baptist Church, gave the invocation.

PROCLAMATIONS:

Mayor Price read the following proclamation in honor of Black History Month:

**BLACK HISTORY MONTH**

**WHEREAS**, in 1976, Black History Month was formally adopted to honor and affirm the importance of Black History throughout our American experience; and

**WHEREAS**, the history of people of African heritage goes back thousands of years and includes some of the greatest, most advanced and innovative societies in the history of human existence; and

**WHEREAS**, African Americans have played a significant role in the history of our community, from the early days of the pioneers to our present day leaders in industries, finance, and government; and

**WHEREAS**, Black History Month is a time for all Americans to reflect on the rich history and teachings of African Americans whose contributions are vast and wide; and

**WHEREAS**, during Black History Month all Americans are encouraged to reflect on the rich history and teachings of African-Americans and bear witness to the progress, beauty, and achievements they have made throughout our region;

**NOW, THEREFORE I**, Philip K. Price, Mayor of the City of Eden, do hereby proclaim that February 2002 be proclaimed throughout the City of Eden as

***BLACK HISTORY MONTH***

and encourage all Eden residents to join me in celebrating the collective ingenuity, creativity, cultures, and traditions of African-Americans and encourage everyone to participate in educational events honoring the contributions of Black Americans.

Presented this 19<sup>th</sup> day of February, 2002.

s/Philip K. Price  
Philip K. Price  
Mayor

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

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Mayor Price read the following proclamation in honor of American History Month:

**AMERICAN HISTORY MONTH  
PROCLAMATION**

**WHEREAS**, February marks the birth date of many of our country's outstanding citizens and patriotic leaders; and

**WHEREAS**, the survival of our constitutional balance of freedoms and responsibilities depends on our citizens being ever mindful of our national heritage; and

**WHEREAS**, we so easily forget the contributions and sacrifices made by our Founding Fathers,

**BE IT THEREFORE RESOLVED** that February 2002 be proclaimed throughout the City of Eden as

**AMERICAN HISTORY MONTH**

**BE IT FURTHER RESOLVED** that this proclamation be made in conjunction with the George Reynolds' Chapter of the Daughters of the American Revolution, and that this organization is hereby commended for their work in preserving our National Heritage.

Presented this 19<sup>th</sup> day of February, 2002.

s/Philip K. Price  
Philip K. Price  
Mayor

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

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Recognition:

Mayor Price recognized Mrs. Kelly Stultz, Director of Planning & Inspections and Mr. Jimmy Bolden, Chief Codes Inspector, for their involvement in the Rhode Island Mill Project.

Additions or Deletions to the Agenda:

The following items were added to the Agenda:

1. Closed Session to consult with City Attorney under GS 143-318.11(a)(3) in order to preserve the attorney-client privilege and also for discussion regarding economic development in accordance with GS143-318.11(a)(5).

A motion was made by Council Member Grogan seconded by Council Member Tudor to add this item to the agenda. All Council Members voted in favor of this motion. This motion carried.

2. To add Budget Amendment #15 (for DMV Office).

A motion was made by Council Member Tudor seconded by Council Member Epps to add this item to the agenda. All Council Members voted in favor of this motion. This motion carried.

3. Recommendation from Park Committee on the proposed naming of the city park.

A motion was made by Council Member Tudor seconded by Council Member Myott to add this item to the agenda. All Council Members voted in favor of this motion. This motion carried.

4. Consideration of Fire Tax District Committee.

A motion was made by Council Member Vestal seconded by Council Member Gover to add this item to the agenda. All Council Members voted in favor of this motion. This motion carried.

5. Consideration of Surplus Vehicles.

A motion was made by Council Member Myott seconded by Council Member Tudor to add this item to the agenda. All Council Members voted in favor of this motion. This motion carried.

CLOSED SESSION:

Mayor Price called for a Closed Session to consult with City Attorney under GS 143-318.11(a)(3) and also for discussion regarding economic development in accordance with GS143-318.11(a)(5).

A motion was made by Council Member Epps seconded by Council Member Grogan to go into Closed Session to consult with City Attorney under GS 143-318.11(a)(3) and for discussion under GS 143-318.11(a)(5) for economic development. All Council Members voted in favor of this motion. This motion carried.

OPEN SESSION:

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

Upcoming meetings of Council:

Mayor Price noted the following dates for upcoming meetings of Council: Thursday, February 21, 2002 (Consideration of Comprehensive Staffing Assessment) and on Tuesday, February 26, 2002 (Consideration of Water & Sewer Rate Study) and both meetings were scheduled for 4:00 p.m.

Public Hearings:

- (a) Consideration of a request to close an unopened portion of an unopened street (Sixth Street) adjacent to Short Union Street. Request submitted by Mr. and Mrs. Cecil W. Stewart and Mr. Larry L. Lovings. STREET CLOSING SC-00-02.

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 they had been considering this street closing for almost two years. The city has received a petition signed by 100 percent of the abutting property owners requesting that an unopened right of way be closed. The subject portion of the street has never been opened. The land abutting the unopened right of way has primary access onto a portion of Short Union Street.

The Eden City Code, Chapter 13, Article 3, Division 3, and N.C.G.S. 160A-299 authorize the City Council, upon recommendation from the Planning Board, to consider the closing or vacating of a street in accordance with the rules and procedures set forth therein. At their January 29<sup>th</sup>, 2002 meeting the Planning Board voted unanimously to recommend that this street be closed.

She noted that the various public corporations have been contacted and have issued the following comments: The City of Eden Engineering Department has no objections nor did Duke Power Company. She added that they have not yet heard from Sprint, NC Gas Company, Time Warner or Duke Power.

According to the N.C. General Statutes and the Eden City Code, before the city can close a street, the City Council must be satisfied of two matters: That the street closing is not contrary to

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the public interest and that no individual who owns property in the vicinity of the street is deprived of reasonable means of ingress and egress to that property because of the street closing.

In regards to the required findings, the Planning and Inspections Department issues the following comments:

Contingent upon comments from the public service corporations, the staff is of the opinion that the street is not required for public utility service for the area.

Based upon the fact that the street has never been opened, nor is the street in the city thoroughfare plan or any other transportation improvement plan, the staff is of the opinion that the street is not necessary to the general public for travel and traffic circulation in the area.

Based upon the fact that all properties in this area have their primary access off of short Union Street the staff is of the opinion that no one would be denied reasonable means of ingress and egress because of the closing.

In conclusion, the staff recommends, based upon these stated findings, that the street be closed as requested.

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

Mr. Cecil Stewart, 233 Short Union, explained the road in question was his driveway. He stated that it had always been his driveway and his neighbor had a fence put up on his property line and he felt that it would be in their best interest to close that portion of the road. He added that it dead-ends in his back yard.

As no one else came forward to speak in favor or against this request, Mayor Price declared the public hearing closed.

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

Council Member Grogan suggested that the Planning and Zoning Board look at the possibility of looking at charging some type of fee for street closings.

**RESOLUTION OF INTENT TO CLOSE A PORTION OF AN UNOPENED STREET  
(SIXTH STREET) ADJACENT TO SHORT UNION STREET**

BE IT HEREBY RESOLVED by the City Council of the City of Eden, North Carolina, that:

Pursuant to the provisions of Chapter 13, Article III, Division 3 and Section 13-88 of the Eden City Code and Section 160A-299 of the North Carolina General Statutes, the City Council of the City of Eden, North Carolina, does hereby declare its intention to close the following described unopened street:

BEGINNING at an iron pipe found in the west right of way line of Short Union Street, said iron marking the intersection of the west right of way of Short Union Street with the north right of way of Sixth Street and running thence from said point of beginning along the north right of way of Sixth Street North  $86^{\circ} 30'$  West 174.30 feet to an iron pipe; thence South  $30^{\circ} 15'$  West 40 feet to a point in the northern property line of Stewart; thence along and with said property, South  $86^{\circ} 30'$  East 174.30 feet to a point in the west right of way line of Short Union Street; thence along and with said right of way North  $30^{\circ} 15'$  East 40 feet to the POINT and PLACE OF BEGINNING.

BE IT FURTHER RESOLVED that the City Council does hereby call for a public hearing on the said closing to be held on the 19<sup>th</sup> day of February, 2002, at 7:30 P.M.

BE IT FURTHER RESOLVED that this Resolution shall be published once a week for four (4) successive weeks prior to said hearing, a copy of said Resolution shall be sent by registered or certified mail to all owners of property adjoining said street as shown on the Rockingham County Tax Records, and prominently posted in at least two (2) places along the street.

BE IT FURTHER RESOLVED that the Planning Board is hereby requested to submit its recommendation on the proposed closing of said street for consideration of the City Council at the time of said public hearing.

APPROVED, ADOPTED AND EFFECTIVE, this 15<sup>th</sup> day of January, 2002.

(b) Consideration of a zoning text amendment request to amend Section 11.26, the Board of Adjustment section of the City of Eden Zoning Ordinance to change the setbacks for residential structures used for recreational purposes. Request submitted by Lynda Burnette. ZONING CASE Z-01-09.

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

Mrs. Stultz stated the department recommended approval of the text amendment request. At their November 27, 2001 regular meeting, the Planning Board voted to recommend that the City Council approve this request.

The existing text in this structure is that any structure for the recreational use meets the minimum front yard requirements for the applicable zoning district and was not closer than 30 feet to any other exterior lot line.

The proposal was that for any structure for the recreational use meets the minimum front yard requirements for the applicable zoning district. Structures other than those previously used as a single family residence shall not be located any closer than 30 feet to any other exterior lot line.

The request was to permit application for a Special Use Permit for recreational use if an existing single family structure is located closer than thirty feet to an exterior lot line. She explained that the request was regarding requests for Special Use Permits for recreation uses and the use of structures formerly used as single family residences for the recreational use.

If as indicated, the structure and residential use of the property existed before the time of the potential application, most lots in the city's planning jurisdiction would have houses constructed

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closer than 30 feet to an exterior lot line. This fact would severely limit potential uses for structures in the residential districts. No such recreational use would be permitted without benefit of a Special Use Permit and thus the Board of Adjustment would have the opportunity to establish the appropriateness of any use of this type. Based upon the foregoing, staff recommends in favor of the request.

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

Ms. Linda Burnette, 182 Corn Tassel Trail, explained that this particular house had been in her family for 50 years and upon the death of her parents, she, her sister, and a cousin, having recently retired, would like to use this house as a facility to have luncheons, private dinner parties, showers, retreats, which would greatly benefit the community.

As no one else came forward to speak in favor or in opposition of this request, Mayor Price declared the public hearing closed.

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

(c) Consideration of amending Section 4, Article 1 of the Eden City Code to establish standards for vacating and closing a structure.

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

Mrs. Stultz explained that at the present time, and by Statute, when a condemnation is started, a building was declared defective or they have any instance where the minimum housing code takes effect, the property owner has the option to close and vacate a structure. The General Statutes were not terribly specific about what that means.

She explained that the standards that they have proposed and what the Planning Board recommended in favor were as follows:

Whenever a structure is ordered vacated and closed under Section 4 of the Eden City Code the following standards shall be met before the structure is considered vacated and closed:

- A. The owner, occupant and/or tenant shall be required to move out of the structure and the structure shall not again be occupied until it fully complies with all applicable local and state codes. The structure shall not be used for storage. Storage of materials of any kind shall constitute a use and the structure shall not be considered vacated and closed.
- B. The owner shall clear the structure and property of all trash, debris and other items which could cause or threaten to cause infestation of insects, rodents or other pests or cause or threaten to cause a fire hazard. Maintenance of the grounds is required to the extent that

at no time shall the property be deemed in violation of the City of Eden nuisance or junk car provisions.

- C. The owner shall insure that all windows, doors, and crawl space openings are secured using plywood or similar materials (1/2 inch thickness) cut to fit the specific openings. Boards will then be painted to increase weather resistance.
- D. The owner shall insure that the exterior foundation, walls and roofs shall be improved and maintained in a sound condition/good repair providing safe conditions. Also, the exterior shall be protected with paint or other protective covering to prevent penetration of moisture or weather.

These standards must be maintained at all times while the structure is considered vacated and closed. Failure to maintain the structure as such will constitute a violation of the applicable provision of Section 4 of the Eden City Code.

She stressed the importance of this for their Code Enforcement Program and the staff recommended approval.

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

Ms. Linda Bledsoe, 421 Boone Road, explained that she was in favor of this proposal. She also noted that if that was done, that those places at least look halfway decent. She stated that the city had lots of houses that were abandoned and they just looked awful.

Mrs. Stultz explained that was exactly what this was designed for.

As no one else came forward to speak in favor or in opposition, Mayor Price declared the public hearing closed.

A motion was made by Council Member Tudor seconded by Council Member Gover to approve this request.

Council Member Grogan asked the City Attorney if he was comfortable with this to which Mr. Medlin replied in the affirmative.

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

(d) Consideration of amending Section 4, Article VI of the Eden City Code to establish a Non-Residential Maintenance Code.

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

Mrs. Stultz explained that this was a code that was up for consideration. She explained that this particular code was designed for industrial, commercial and institutional structures, what the

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enabling legislation for minimum housing standards provides for dwellings. It was a code that was used in a similar fashion in many municipalities in North Carolina. She added that this was something that would alleviate problems that their code enforcement program has faced over the course of the last several years.

Council Member Grogan asked if any grandfathering would be involved in this to which Mrs. Stultz replied no.

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

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

(e) Consideration of a budget of up to \$5,200,000.00 toward purchase and construction of an industrial park and approval of option contract for industrial park.

The memorandum presented to Council explained that on January 29, 2002 the Eden City Council received a report from Mr. Don Moss, President, Rockingham County Partnership for Economic & Tourism Development and the consulting engineers on the progress of the plans for the proposed Industrial Park off of Harrington Highway. At that time, the City Council voted to proceed with holding a public hearing on Tuesday, February 19, 2002 on the consideration of a proposed budget for the purchase and construction of an Industrial Park.

The advertisement for the February 19, 2002 public hearing stated the City would be considering a budget of up to \$5.2 million toward the purchase and construction of an industrial park. Listed below is a copy of the proposed figures as received from Mr. Moss.

\$ 8.665 Million Project Costs for Industrial Park

Land Costs = \$1.85 million

Hard Costs = \$ 6.215 million

Engineering = \$ 595,000

Survey

Design & Permitting

Construction Costs = \$ 5.62 millions

Construction of Roads & Utilities

Extension of Force Main To NC Hwy 87

Soft Costs = \$ 200,000

Marketing (\$120,000 For 3 Years)

Estimated

Annual Costs

Brochures

Direct Mail Pieces

Direct Sales Calls

Miscellaneous (\$ 80,000)

Appraisals

Legal

Maintenance And Utilities

Grading For A Shell Building Pad = \$ 400,000

Faster Transition to Build a New Shell Based On Grading Costs for Eden Shell  
Cost Savings Due To Grading for Streets  
Cost Savings Due To Engineering of Park  
\$1.733 Million- Contingency

The costs outlined above are for all three phases of the project. According to information received from the City of Reidsville they have held public hearings advertising the potential total expenditures of \$ 8,645,000 (\$ 4,322,500 for Reidsville and \$ 4,322,500 for Rockingham County). The Reidsville Industrial Park equals 316.404 acres compared to the City of Eden's 360 +/- . The information received indicates that the initial marketing is included in that price but did not make it clear whether or not the price included grading for a shell building. Based upon the figures presented by Mr. Moss and the City of Reidsville it appears as if there is a difference in cost of \$1,755,000 or approximately \$1,406.66 per acre. It was noted that the cost estimate for Eden's park does include a "healthy" contingency figure of \$1,733,000 - obviously, it is hoped that some of this money will not be necessary thereby reducing the total projected cost.

After the conclusion of the public hearing the City Council will be requested to take action on two matters:

- A. Consideration of a budget of up to \$ 5.2 million toward the purchase and construction of an industrial park;  
and
- B. Consideration of approval of option contract for Industrial Park.

Obviously, the City of Eden will need to look at borrowing the "lions share" of the funds that will be necessary for the construction of the Industrial Park. Currently, it appears as if the City will be able to cover the costs associated with this project on a pay-as-you-go basis during FY 2002-03 since the majority of this work will be limited to the next phase of engineering and not actual development/construction costs.

Mayor Price explained that the city has looked at a proposal for some time now, to build an industrial park on the south quadrant of the city. He stated that they have chosen to do the Whitt Site and they would now be hearing public comments on this project. He explained that the city was proposing to join in partnership with Rockingham County to build this park in three (3) phases. What they would be voting on at this time would be the option on the property as well as voting on the purchase of the property and the infrastructure that goes along with it.

He explained that this would be a public hearing for the project in its entirety.

Mayor Price then introduced Mr. Don Moss, Director of Rockingham County's Economic Partnership, who came forward to give a brief description.

Mr. Moss explained that the property was located on the left hand side of Harrington Highway going west, immediately before reaching the Dan River. The total piece of property is approximately 1700 acres and the industrial park in question was 360 acres. He explained that they would be proposing in three (3) different phases (Phase 1, 2, & 3). He explained that Phase 1 was approximately 161 acres.

He noted that Stimmel & Associates and ECS were present to answer any technical questions that they may have. Also present were members of the Rockingham County Board of Commissions and members of the Partnership for Economic Development, who have come in favor of this project.

The project in question was \$5.2 million. The land costs are around \$1.85 million and the hard costs, which includes engineering, surveying, and construction, is about \$6.25 million. The

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marketing and miscellaneous estimates for three years is about \$200,000, with a \$400,000 budget for grading a shell building pad and a contingency of \$1.7 million.

Council Member Gover commented that he had assumed that the cost was \$6.2 million when Stimmel and Associates presented the project and now they were \$5.2 million a piece, County and city.

Mr. Moss explained that the estimates that the Council had received were the cost estimates for construction, infrastructure, landscaping, irrigation, survey, design, etc., but there were other costs. They have to purchase the property, market the property, and if they desire to have a shell building put on the property. He added that there were some savings when they cut the road in to the property, to go ahead and put a shell building pad there if they choose. He reminded them again that this was only a budget as they would have to come back before the Council for appropriations at each step of the way. So, the Council would have the opportunity to vote on appropriations as they come up.

Council Member Vestal referred to page three (3) of his initial summary (given to Council on 1/29/02); there were several items there that he did not include. He read: "It does not include rock excavation, does not include under cuttings, does not include optional cul de sacs." He noted that he knew they have hit rock out there, because it had been suggested not to put sewer lines along the street going in.

Mr. Moss deferred the question to the Stimmel & Associate Engineer, Mr. Neil Tucker, who could address some of those specific questions. He explained that he could answer the money part, but Mr. Tucker could answer the technical questions. Stimmel & Associates have a contingency in their budget and they have put a contingency in the overall budget to take care of some extra items that might be unforeseen.

Mr. Tucker explained that with respect to the rock excavation, the preliminary soil borings did indicate that there was some rock presence on the site. Where they have their preliminary roadway profile set up now they did not anticipate rock excavations for that. Primarily the reason they were not putting the sewer line within the street was to avoid excessive installation depths. If they run around the perimeter of the park installation depths of the sewer were much shallower around the perimeter and that was the primary driving force behind that decision.

Council Member Vestal questioned the undercut.

Mr. Tucker explained that undercut was dependent largely upon the time of year the construction was done, keeping water out of excavations, etc. Normally if they have good weather conditions, undercut was not that big of a factor, when they have big cuts anyway. Obviously at creek crossing locations, and that type of thing, they could expect some under cutting, but they have as Mr. Moss indicated about a 15% contingency for a total of \$810,000 in their estimate for

unforeseen conditions of that nature, which they feel would be more than adequate to handle the unforeseen conditions that might be encountered.

Council Member Vestal noted that they have a sewer line listed at 10,400 feet. He noted that he thought they had appropriated a 12" force main, 10,000', at \$262,000. He questioned the City Engineer, Mr. Joe Stanley, as to how much the cost was of the approximate 800' sewer line at Hopkins Court.

Mr. Stanley could not remember exactly, but thought it was somewhere around \$200,000.

Council Member Vestal explained that his point was 800' compared to 10,000' and all they have appropriated was \$262,000.

Mr. Tucker explained that it was important to realize was that 10,000 linear feet of sewer here was force main, so in terms of construction practices and materials and that type of thing it was not unlike laying a water line. The line could be laid at minimum depth, it does not have to be laid on-grade, and it could fluctuate with the various topography. The costs that they have included in there actually were based on installing water line costs that they typically see on projects that were bid. If this were a gravity line that was being installed at six to twelve feet deep, they could easily see a cost of two or three times that.

Mayor Price explained that they have all heard the basics of this project and then proceeded to open the floor for comment.

Mr. Aubrey Light, 421 Boone Road, explained that he had two children. One child had already moved away and the likelihood of the second one remaining here was very low. He stated that they needed to do something to employ the younger generation.

Mr. Robert Dean, Grand Oaks, explained that his concern was if they would be adopting this or would it be in the case such as Miller, and the public be allowed to vote on it.

Mayor Price explained that the Council would be voting on the approval to purchase the property, the option on the property and the entire infrastructure. There would be no referendum or anything like that.

Mr. Dean noted that this was a big project and it was going to concern everybody. They would probably have to up taxes greatly and he thought the public should be allowed to vote.

Mayor Price explained that the City Council would be making the decision on this project.

Mr. Wink Hoover, 153 Hoover Road, County Commissioner, explained that he has been an Eden resident all of his life, although he had never lived inside the city limits. He stated that this was home to him and it always had been. He stated that a few years ago this was a thriving little city about the size he really enjoyed. They had a lot of jobs and a lot of people working, with a good tax base. The last ten or twelve years all of that has gone. They send their children to college and very few of them come back here simply because they do not have jobs. He stated that he

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thought it was imperative that they work to get some infrastructure here in order to get industry into their community.

About three years ago the County Commissioners voted to help the municipalities with an industrial park to the tune of about 50%. He explained that the County would share any grants or anything else, and pay 50% of the cost. Madison has an industrial park and Mayodan has one that is quite a bit larger that they were working on. Reidsville has an industrial park and they were doing some work in Stoneville. They need to work in Eden to have some infrastructure that can get some industry in.

Mr. W.L. Pryor, 511 Briarwood Drive, explained that he was the Vice-Chairman of the Rockingham County Economic Development Partnership. He urged the Council to vote to move on with the Eden Industrial Park. He indicated that Eden was about four years behind Reidsville and in a lot of ways they were a lot further behind. They have lost so much in the last ten years and they have to do something. He stressed the need to move ahead and make plans for the future. Young people were leaving because there were no job opportunities here. He noted that with nobody building new houses and nobody having babies here, they would have a water plant and a sewer plant that would be under utilized. He noted that currently their water usage was down because they have lost industries that were big water users. Therefore, rates would have to go up in order to maintain those plants.

He mentioned the need for jobs in Eden and the loss of retail businesses. He referred to the Eden Mall and the Kingsway Shopping Center. He added that he knew that an industrial park would be expensive, but one of these days this recession and down turn would change and Eden needed to have something ready so that when some company decided that it wanted to come here, the city needed to have a place that they could come. If they did not get ready, they would go somewhere.

He noted that the land and the water and sewer was already there, the streets were there, and people need to understand that they need to take some bold steps to create something for the future of this community.

Dr. David Smith, 525 College Street, explained that he thought that the industrial park was a joint venture with what he was involved with, which was the recreational park. He stressed the wonderfulness of Eden. They were currently working on a recreational park and now they needed an industrial park to work in too. He encouraged them to support the industrial park.

As no one else came forward to speak in favor or in opposition of this proposal, Mayor Price declared the public hearing closed.

Mayor Price asked the City Manager to read the following proposals:

1. Consideration and approval of a budget of up to \$5.2 million toward the purchase and construction of an industrial park:

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

Council Member Vestal asked that the City Manager explain that at any one point in time that approval of further money besides engineering would have to be approved by Council.

Mr. Corcoran replied that he thought that was what Mr. Moss had stated. At each subsequent step, beyond tonight, actually before any construction begins and each phase, the Council would have to take additional action.

Council Member Tudor reiterated that if the Council did this tonight, they would not be moving any dirt until July 2003. He announced to the audience that the Council was acting as fast as they could, but no real action that they (citizens) would see, physically, was going to take place until July of a year from now.

Mayor Price pointed out that they have been in contact with some of the State's Representatives who have indicated that since Eden was one of the counties who were working hard to improve their status that they feel that they will give some special consideration to engineering and early approval. They like the fact that the city was going forward.

Council Member Tudor replied that was fine, but time was of the essence, when there were no jobs that meant they were not getting a paycheck, week after week. They need to make it possible to get back on the road to progress.

Council Member Gover commented that they were over \$2 million in deficit in their budget at this time. There were hard decisions on taxes coming up, water and sewer rates coming up, and no one has mentioned where they would get the money. He stated that he was at loss with the financing. He stated that it was not easy to sit there and vote to go in debt again when they were not meeting their budget.

Action on the motion was as follows: Council Members Grogan, Tudor, Epps, Reynolds and Myott voted in favor of this motion. Council Members Gover and Vestal voted in opposition. This motion carried.

2. Consideration and approval of the form of the option contract and contract for purchase of property and the approval of funding for the option to purchase real estate.

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

3. Authorization to proceed with the next phase of engineering.

February 19, 2001

CITY OF EDEN, N.C.

Minutes of the regular February 19, 2002 meeting of the City Council, City of Eden, continued:

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

Council Member Vestal commented that there was a plot of land that was not really discussed on anything presented to Council, and that was the Hopkins lumber piece of land. He stated that he had made two phone calls and talked with the State engineer, who indicated that within five years they could extend the loop which was the Harrington Highway loop, going around the south side of the river and going right through that Hopkins lumber property. He stated that he would like to pursue that piece of property because at this time, if the city had the property, it would save in excess of \$1 million just in the acquisition of the land alone. He stated that he would like to see a study done on that property, since none was done. That loop going up through there would also connect to Summit Road, which would alleviate a lot of truck traffic through the city, going up to Highway 14. He stated he would like to see them pursue that while they were in limbo on those 15 months.

Proposal by Council Member Vestal:

A motion was made by Council Member Vestal seconded by Council Member Gover to ask the City Manager to be granted some power to do (an in-house) study of the Hopkins property as well as contacting the NCDOT regarding finishing the Harrington Highway "Loop" that would connect to this property.

Mayor Price commented that there has been some information gathered on the Hopkins property and some preliminary engineering done.

Mr. Moss added that they have had some soil borings done and an overview of the wetlands done. They have one last portion to do to get the boundary survey completed. They have also worked with the landowners that were willing to give them an option. He noted that for approximately \$1,000 they could get the option for a six-month period or a slightly larger amount.

Council Member Vestal reiterated that they were looking at saving taxpayers over \$1 million dollars in up front money, plus there was water and sewer already on that property to a certain extent.

Mr. Moss replied that the property that was the best utilized property for a small industrial park was about 150 acres, there was some other acreage in and around the other two Fieldcrest Mills that could be utilized, one particular site best suits itself for a power plant because of its location and proximity to Duke Power and the proposed gas lines coming into the area. He noted that he understood from conversations with Duke Power that all the infrastructures for a facility were in place.

Council Member Epps asked if he was telling them that they would be restricted a lot less with that property than what they have just agreed to get.

Mr. Moss replied no, he was saying that there were some other uses for that property that would best lend itself to a different type of industry that they would not have in this (proposed) industrial park. He added that really the site for a distribution center or manufacturing plant was a lot less land, there were only about 150 acres that was usable, compared to some 360 acres plus the 200.

Council Member Myott asked if he was saying that the land was being shown and not just sitting there to which Mr. Moss replied that it was being shown. Right now the limitation of that particular property was the current access. If the access were changed by the DOT, it would move that site up on the list. He added that the question before the Council was, example, they have been promised from DOT that the Highway 220 project was going to begin from the Highway 68 – Highway 220 split down to the airport, it has been delayed three times. He noted that those projects sometimes tend to be delayed due to budgetary constraints. Currently, it was not on the TIP and if they were really serious about that particular piece of property, then they needed to work with the city to get that particular road on the TIP, so they were assure of some end date to get the road constructed.

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

Break:

Mayor Price called for a short break before continuing on to the Financial Report.

Financial Report:

Mrs. Lori Ford, Director of Finance & Personnel presented the Financial Statements for January 31, 2002.

A motion was made by Council Member Grogan seconded by Council Member Epps to accept the Finance Report as presented. All Council Members voted in favor of this motion. This motion carried.

Request and Petitions of Citizens:

Ms. Linda Bledsoe, 421 Boone Road, spoke to Council regarding transfer truck traffic along Boone Road and the speeding of those trucks.

Discussion was referred to Mrs. Stultz, Director of Planning & Inspections who explained that Boone Road was a State road.

Unfinished Business:

(a) Consideration of Planning Organization Appointments and Reappointments.

February 19, 2001

CITY OF EDEN, N.C.

Minutes of the regular February 19, 2002 meeting of the City Council, City of Eden, continued:

Following is a list of board and commission members presented to Council that needed to be appointed or reappointed:

Board of Adjustment nominee – Frances Craddock, Ward 4.

Community Appearance Commission nominees – Rachel Wright, Ward 1 and Arlene Campbell, Ward 4.

Historic Preservation Commission nominee – E.N. (Bud) Stickels, Jr., Ward 1.

Planning Board nominee – Eddie R. Barker – Ward 1.

Tree Board nominee – Larry Turner, Ward 6.

A motion was made by Council Member Epps seconded by Council Member Grogan to approve the nomination of Frances Craddock (Ward 4 - Epps) to Board of Adjustment. All Council Members voted in favor of this motion. This motion carried.

A motion was made by Council Member Gover seconded by Council Member Epps to approve the nomination of Rachel Wright (Ward 1 - Reynolds) to Community Appearance Commission and Arlene Campbell (Ward 4 - Epps) to Community Appearance. All Council Members voted in favor of this motion. This motion carried.

A motion was made by Council Member Tudor seconded by Council Member Gover to approve the nomination of E.N. (Bud) Stickels, Jr. (Ward 1 - Reynolds) to Historic Preservation Commission. All Council Members voted in favor of this motion. This motion carried.

A motion was made by Council Member Grogan seconded by Council Member Gover to approve the nomination of Eddie R. Barker (Ward 1 - Reynolds) to Planning Board. All Council Members voted in favor of this motion. This motion carried.

A motion was made by Council Member Gover seconded by Council Member Grogan to approve the nomination of Larry Turner (Ward 6 - Grogan) to Tree Board. All Council Members voted in favor of this motion. This motion carried.

New Business:

- (a) Consideration of a Resolution of Intent to close an unopened alley off of Harvey Street. STREET CLOSING SC-02-01.

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

The memorandum presented to Council explained that the city has received a street closing petition to close an alley off of Harvey Street. The request was submitted by Larry and Deborah Meade and James and Thelma Meade.

The City Council needs to consider adoption of the Resolution of Intent and calling a public hearing for the March 19, 2002 regular council meeting.

**RESOLUTION OF INTENT TO CLOSE AN UNOPENED ALLEY  
ADJACENT TO HARVEY STREET**

BE IT HEREBY RESOLVED by the City Council of the City of Eden, North Carolina, that pursuant to the provisions of Chapter 13, Article III, Division 3 and Section 13-88 of the Eden City Code and Section 160A-299 of the North Carolina General Statutes, the City Council of the City of Eden, North Carolina, does hereby declare its intention to close the following described unopened alley located off of the west side of Harvey Street.

BEGINNING at an iron stake set in the western right of way of Harvey Street, said iron being the southeast corner of the 0.970 acre tract as shown on plat and survey for Kathy O. Snow by C.E. Robertson and Associates dated July 3, 1997; thence from said point of beginning N 88° 13' 01" West 200.05 feet to an iron stake, the southwest corner of the 0.970 acre tract; thence South 00° 59' 24" West 15.31 feet to an existing iron stake in the northern property line of the 5.222 acre tract on the above mentioned plat; thence South 88° 13' 01" East 200.05 feet to an iron stake; thence North 00° 59' 24" East 15.31 feet to the Point and Place of Beginning.

BE IT FURTHER RESOLVED that the City Council does hereby call for a public hearing on the said closing to be held on the 19<sup>th</sup> day of March 2002, 7:30 P.M.

BE IT FURTHER RESOLVED, that this Resolution will be published once a week for four (4) successive weeks prior to the said hearing, a copy of said Resolution be sent registered or certified mail to all owners of property adjoining said street as shown on the Rockingham County Tax Records, and prominently posted in at least two (2) places along said street.

BE IT FURTHER RESOLVED, that the Planning Board is hereby requested to submit its recommendation on the proposed closing of said street for consideration of the City Council at the time of said public hearing.

APPROVED, ADOPTED AND EFFECTIVE, this 19th day of February, 2002.

CITY OF EDEN

By: s/Philip K. Price, Mayor

Attest:

s/Kim J. Scott, CMC City Clerk

(b) Consideration of a Resolution of Intent to close an unopened portion of Hopper Lane.  
STREET CLOSING SC-02-02.

A motion was made by Council Member Vestal seconded by Council Member Gover to approve this Resolution of Intent (with the City Attorney's request for additional information as well as map). All Council Members voted in favor of this motion This motion carried.

The memorandum provided to Council explained that the city has received a street closing petition to close an unopened portion of Hopper Lane. The request was submitted by Glenda R. Nance, Sarah Perdue, Lillie Purdy and Wallace Purdy.

February 19, 2001

CITY OF EDEN, N.C.

Minutes of the regular February 19, 2002 meeting of the City Council, City of Eden, continued:

The City Council needs to consider adoption of the Resolution of Intent and calling a public hearing for the March 19, 2002 regular council meeting.

**RESOLUTION OF INTENT TO CLOSE AN UNOPENED PORTION  
OF HOPPER LANE**

BE IT HEREBY RESOLVED that pursuant to the provisions of Chapter 13, Article III, Division 3 and Section 13-88 of the Eden City Code and Section 160A-299 of the North Carolina General Statutes, the City Council of the City of Eden, North Carolina, does hereby declare its intention to close the following described portion of the unopened street known as Hopper Lane

BEGINNING at an iron pipe found at the northwest corner of the intersection of Hopper Lane and Caleb Street, said point being the southeast corner of the property now owned by Wallace Andrew Purdy et ux Lillie R. Purdy; thence from said point of beginning North 35° 30' West 232.4 feet to an old iron being the southwest corner of said Purdy; thence South 35° 30' West 12.93 feet to an old iron in the property line of Sarah R. Perdue; thence from said point South 35° 08' East 90.41 feet to a pipe found, being northeast corner of Glenda R. Nance; thence along and with said Nance property South 35° 56' East approximately 141 feet, more or less by scale, to a point; thence North 35° 30' East 12.42 feet to the Point and Place of Beginning.

BE IT FURTHER RESOLVED that the City Council does hereby call for a public hearing on the said closing to be held on the 19<sup>th</sup> day of March 2002, 7:30 P.M.

BE IT FURTHER RESOLVED, that this Resolution will be published once a week for four successive weeks prior to the said hearing, a copy of said Resolution be sent registered or certified mail to all owners of property adjoining said street as shown on the Rockingham County Tax Records, and prominently posted in at least two (2) places along said street.

BE IT FURTHER RESOLVED, that the Planning Board is hereby requested to submit its recommendation on the proposed closing of said street for consideration of the City Council at the time of said public hearing.

APPROVED, ADOPTED AND EFFECTIVE, this 19th day of February, 2002.

CITY OF EDEN

By: s/Philip K. Price, Mayor

Attest:

s/Kim J. Scott, CMC City Clerk

**(c) Consideration of Declaration of Surplus Property for the southwest corner of Lawrence and Flynn Streets.**

The memorandum presented to Council explained that in October of 2001, the City of Eden became the owner of the property located at the southwest corner of the intersection of Lawrence and Flynn Streets. The City acquired the property through a commissioner's deed as the result of a tax foreclosure.

At the direction of the City Manager, the Planning and Inspections Director asked that the Council declare this property surplus and offer it for sale by accepting bids.

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

**RESOLUTION AUTHORIZING THE SALE  
OF 11,441 SQUARE FEET AT THE  
SOUTHWEST CORNER OF THE INTERSECTION  
OF LAWRENCE STREET BY FLYNN STREET**

WHEREAS, the City Council of the City of Eden has determined that the real property hereinafter described is no longer required by the City for governmental use and that it is in the City's best interest for said real property to be sold.

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

1. The following described property is determined to be surplus real property and that it is no longer needed by the City for any governmental use:

BEGINNING at a point, the Southwest corner of the intersection of Lawrence Street by Flynn Street; thence with the West side of Lawrence Street, South 47 deg. 15 min. East 51.4 feet to a point, the Northeast corner of Lot 3, Section 5, Flint Hill; thence with the North line of Lot 3, South 42 deg. 45 min. West 118.1 feet to a point in the South line of Flynn Street, the Northwest corner of Lot 1; thence with the South line of Flynn Street, North 70 deg. 00 min. East 157.57 feet to the POINT OF BEGINNING and containing 11,441 square feet more or less. Same being Lots 1 and 2, Section 5, Flint Hill, as per map of Flint Hill by W.B. Trogdon dated July 9, 1928, and revised September 8, 1928.

See Deed from W.H. Nelson Jr., Trustee to Daniel Pulliam recorded in the office of the Register of Deeds of Rockingham County in Book 649 at page 167.

2. It is in the best interest of the City for the above described lot to be sold.
3. The lot shall be sold AS IS without any representations of fitness or suitability for any particular use.
4. The lot shall be sold as authorized by N.C.G.S. 160A-266(a)(3) negotiated offer, advertisement, and upset bids.
5. The procedure for the sale shall be as provided for by N.C.G.S. 160A-269.

APPROVED, ADOPTED AND EFFECTIVE, this 19th day of February, 2002.

CITY OF EDEN

By: s/Philip K. Price, Mayor

Attest:

s/Kim J. Scott, CMC City Clerk

**(d) Consideration of Assistance Policy for Single Family Program.**

The memorandum explained to Council the City of Eden's Assistance Policy for the 2000 cycle of the Single Family Rehabilitation Program. The policy as presented has been reviewed by the City Attorney and changes he recommended have been made.

February 19, 2001

CITY OF EDEN, N.C.

Minutes of the regular February 19, 2002 meeting of the City Council, City of Eden, continued:

This document contains similar provisions to the one used for the most recent Single Family Rehabilitation grant just completed by the City.

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

(e) Consideration of authorizing legal action for an apartment building on Taylor Street.

The memorandum presented to Council explained that on September 20, 2001 the Codes Inspector from the Planning and Inspections Department declared that an apartment building on Taylor Street be condemned based upon the North Carolina State Building Code. The title search showed the owner to be Albert M. Osborne with Wilson Pest Control, Dyer's, Inc. and the City of Eden having judgements against the property.

This department has completed the administrative enforcement proceedings and the owner has failed to comply with the inspector's order to take corrective action to abate the violation.

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

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

(f) Consideration of Edgewood Road - 8 inch sewer bore in lieu of 4 inch sewer tap.

The memorandum presented to Council explained that the Engineering Department has received a request to install a four (4) inch sewer tap at 226 S. Edgewood Road. The requestor has paid for the tap to be installed and is waiting for the Collections and Distribution Department to install it.

The residence in question is located on the eastside of Edgewood Road just south of the unopened Knott St. right of way. The existing gravity sewer is located on the west side of the NCDOT maintained road at a depth greater than twelve (12) feet, with an existing manhole opposite the unopened Knott Street right of way. The manhole is approximately eighteen (18) feet in depth.

There is no existing City sewer service or the ability to get sewer service from the existing sewer main along Edgewood Road to the area east of Edgewood Road and north of the Knott Street unopened right of way. The reason for this is because the existing sewer from the aforementioned existing manhole located on the west side of Edgewood Road that is opposite the unopened Knott Street right of way leaves Edgewood Road and continues west along a side property line of two residential homes on the west side of Edgewood Road. From this point, the sewer continues north toward Stadium Drive along the common back property line of the residences facing Edgewood Road and the golf course property.

Based on this information, a four (4) inch sewer tap could be bored under Edgewood Road to serve the residence at 226 S. Edgewood Road, but due to the depth of the existing manhole and sewer line, the installation is too deep for the Collection and Distribution Department to install themselves. Furthermore, a bore would be required for the sewer line installation within the NCDOT right of way regardless of sewer pipe size and that the Collection and Distribution Department cannot perform a bore type installation.

Since a bore must be performed and a contractor would have to be hired to perform this work regardless of the sewer line size installed, the Engineering Department recommends that the City have the 8 inch sewerline installed in lieu

of a 4 inch sewerline. The 8 inch sewer line will help provide sewer service to the area east of Edgewood Road and north of the Knott Street unopened right of way, where the 4 inch sewerline can only provide sewer service to one residence.

Sam W. Smith, Inc. has provided a quote to perform this work for \$16,000 and could begin this work once approved by Council. The Engineering Department and Collections & Distribution Departments recommend that a project budget of \$20,000 be allocated for this work from the Water & Sewer Construction Fund. If approved, an NCDOT Right of Way Encroachment Permit must be submitted and approved before the actual work can start.

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

(g) Consideration of request to purchase Streaming Current Meter.

The memorandum presented to Council explained that new drinking water regulations that became effective on January 1, 2002 impose significantly more stringent turbidity standards than were in effect at the time of the water plant's design in 1976 and its expansion in 1992. To ensure compliance with the new standard and increase water supply reliability, NC-DENR-PWS (North Carolina, Department of Environment and Natural Resources, Public Water Supply Section) Regional Engineer, Lee Spencer, recommended that the city install a streaming current monitor.

Three price quotes are:

Micro TSCM - \$7,950  
Milton Roy Controls - \$8,000  
Chemtrac - \$8,815

To purchase the Streaming Current Meter without impacting the current budget, the Treatment Plants Director recommended delaying the Number 2 Filter Wash Valve Replacement Project until the FY 2002-03 Budget and reducing the scope of the Filter Media Replacement Project. These projects were funded at \$6,000 and \$4,500 respectively. This scenario will not require a budget amendment.

The Water and Sewer Committee reviewed this request on February 4, and refer it to City Council for favorable consideration.

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

(h) Consideration of traffic study of Hollingsworth Street.

The memorandum presented to Council explained that Sgt. Tommy Griffin examined the area indicated in a request, from former Council Member Bill Rorrer for consideration of establishing a No Parking Zone on the south section of Hollingsworth Street. The street averages sixteen feet in width and is approximately two tenths of a mile in distance. There are eight houses on the west side and two on the left. Sgt. Griffin recommended that the city establish a No Parking Zone along the east side of the street, to reduce the congestion at certain times on this street.

A motion was made by Council Member Epps seconded by Council Member Myott to approve this request as well as reducing the speed to 25mph. All Council Members voted in favor of this motion.

(i) Consideration of traffic request for consideration to petition NCDOT to install a lead green light at the intersection of Aiken Road and NC 14.

February 19, 2001

CITY OF EDEN, N.C.

Minutes of the regular February 19, 2002 meeting of the City Council, City of Eden, continued:

The memorandum presented to Council explained that Sgt. Griffin received a request from former Council Member Rorrer to examine this intersection for consideration of installing a lead green signal to make it a safer intersection for motorists.

There have been thirty-three accidents at this location between the years of 1998 through November of this year. Fifteen of those accidents had personal injuries.

Sgt. Griffin recommended that the city petition the North Carolina Department of Transportation to consider installing a lead green signal on each side of the intersection to make this a safer intersection.

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

(j) Consideration of traffic request for consideration of reducing the posted speed limit on Ewell and Dameron Streets.

The memorandum presented to Council explained that Sgt. Griffin received a request from former Council Member Rorrer to examine Ayden Road for consideration of reducing the posted speed limit from thirty-five miles per hour to twenty-five miles per hour. The street is twenty-one feet wide and has 35 homes located on the two streets that are approximately a half mile in distance.

He recommended that the city not reduce the posted limit to twenty-five miles per hour even though the streets are encompassed with grades and curves that motorists have to encounter while driving on these two streets. Sgt. Griffin felt that the width is above average for most of the city's streets and motorists can safely handle the existing posted speed.

A motion was made by Council Member Epps seconded by Council Member Vestal to approve this request as well as reducing the speed to 25 mph from Church Street to Lake Street. All Council Members voted in favor of this motion. This motion carried.

(k) Consideration of extra-duty employment fee.

The memorandum presented to Council explained that years ago, the Council approved the working of extra-duty employment by police officers. EDE is a form of secondary employment where individuals or businesses pay the City for the services of police officers. The officers are working for the City and under the supervision of on-duty police supervisors, but they are paid overtime and work at a location requested by the secondary employer, that is, the individual or business that is paying for their services.

This has been mutually beneficial to the City because there are more officers working and to the secondary employer who gains dedicated security. There is no cost to the City because the secondary employer is paying the costs.

The fee the City charges is \$19.64. It was based on the average hourly salary of the officers eligible to work EDE plus their benefits, at time and one half. Because the fee was set several years ago and salaries have risen, the fee is now too low.

The Director of Finance & Personnel, Lori Ford, has calculated a new fee which is intended to keep them at the break-even point. It is \$26.40 per hour. To allow for unforeseen salary adjustments and assure no deficit, the Police Chief recommended \$27.00, even.

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

(l) Consideration of Section 9-174 Fire Lanes, in the Eden City Code.

The memorandum presented to Council explained that Council Member Vestal has requested that the current code section governing parking in fire lanes be placed on the February agenda. It was also requested that the city's ordinance be amended to reference NCGS 20-162 so the city's code would apply to all fire zones instead of the two listed. It was the opinion of the City Attorney that we do not need Code Section 9-174 and that it should be repealed. The City Code provision does not add anything to the enforcement of parking in a fire lane that is not already covered in NCGS 20-162. If you want to define "designated fire lanes," we could change 9-174 so that the definition is the same as the last sentence in both sections A & B. If the Council wants to provide standards for property owners to follow in designating fire lanes (i.e., width of lanes, color of paint, use of stripes, signs, etc.), then these provisions can replace the existing code provision.

Mayor Price explained read the following ordinance, presented to him by the City Attorney. He read: "Be it ordained by the City Council of the City of Eden, that Section 9-174 of the City Code, City of Eden is amended as follows: Section 9-174 Fire Lanes, A & B are hereby repealed. Section 9-174 Fire Lanes shall read as follows: Any public vehicular area designated as a fire lane shall be designated as follows: The area shall be 9' in width from the outside edge of the curb or sidewalk adjacent to the building. The sign shall be placed, erected or installed in such area giving notice of no parking in the fire lane, and the area shall be outlined in yellow paint giving notice of no parking."

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

(m) Consideration of Gildan Activewear Stormwater Easement Agreement proposed revision of pipe size within the agreement.

The memorandum presented to Council explained that the Osborne Company, who is representing Gildan Activewear on this matter, would like the culvert pipe sizes that are stated within the original agreement (60 inch RCP or two parallel 48 inch RCP) changed to a 24 inch by 38 inch elliptical RCP. Based on the submitted sealed calculations from their Engineer, the new 24 inch (height) by 38 inch (width) elliptical RCP in conjunction with the existing 24 inch RCP that is under Edgewood Road at this location, will pass the 25 year storm as requested from this office.

The culvert pipe must be installed so that they can proceed with closing the sediment pond that is located near Edgewood Road that is currently a safety concern of the City's Safety Committee.

Based on this request and by review of the City Attorney, a revised easement agreement will be presented for Council approval by the City Attorney. Contingent upon Council approval of the revised agreement, the Engineering Department requests authority for the Mayor to execute the revised agreement.

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

February 19, 2001

CITY OF EDEN, N.C.

Minutes of the regular February 19, 2002 meeting of the City Council, City of Eden, continued:

(n) Consideration of delinquent tax write-off.

The memorandum to Council explained that the General Statutes limit the collection of delinquent taxes by a governmental entity to 10 years. Adherence to this policy requires the city to write-off the following amounts:

1989	\$3,669.65
1990	\$6,912.08
1991	\$8,847.99

The city will also need to write off the amount of interest associated with these amounts. It is the recommendation of the Director of Finance & Personnel that Council approved the write-off of these amounts.

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

(o) Consideration of revised fixed asset policy.

The memorandum presented to Council explained that a copy of the revised Fixed Asset policy has been attached for their review and approval. The city policy currently states that any item over \$500.00 that meets the specified attributes will be included as part of the city's fixed assets. The revised policy provides that all items over \$1000.00 be tracked using the city's fixed asset system, however in excess of \$5000.00 be depreciated. This will bring the city in line with the GASB 34 implementation policy. These threshold requirements have been recommended by the city's auditors, the Institute of Government, the Local Government Commission, and the Governmental Finance Officer's Association. It also gives the Director of Finance and Personnel the discretion to include any other items that do not meet the criteria but that he/she feels are a vital part of the city's infrastructure.

Other than the change in dollar amounts the policy follows the guidelines the city has maintained for many years. It was the recommendation of the Director of Finance & Personnel that the city adopt the policy.

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

(p) Consideration of Budget Amendments 12, 13, and 14.

<u>Budget Amendment #12</u>	<u>Account #</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
<b>General Fund</b>				
Sale of Fixed Asset	10-3836-82000	\$ 22,470.00	\$ 287,230.00	\$ 264,760.00
<b>General Fund</b>				
Powell Bill Contract Services	10-4515-24600	\$ 555,295.88	\$ 725,895.88	\$ 170,600.00
Contingency	10-9990-99100	\$ 104,440.72	\$ 198,600.72	\$ 94,160.00
				\$ -

Budget Amendment # 12 is record receipt of funds from Gildan exercising their option on land prescribed by the agreement dated April 13th, 2000. It also serves to balance the restricted Powell Bill funds as prescribed by the Powell Bill guidelines

Adopted and effective this 19th day of February, 2002

Philip K. Price, Mayor

Attest:

Kim J. Scott, City Clerk

Budget Amendment #13	Account #	From	To	Amount
<b>General Fund Revenues</b>				
Sale of Fixed Asset	10-3836-82000	\$ 10,000.00	\$ 30,898.32	\$ 20,898.32
<b>General Fund Expenditures</b>				
Finance Professional Services	10-4130-19100	\$ 21,200.00	\$ 25,098.32	\$ 3,898.32
Finance C/O Software	10-4130-00000	\$ 12,000.00	\$ 17,000.00	\$ 5,000.00
Fire C/O Vehicle	10-4340-57000	\$ -	\$ 12,000.00	\$ 12,000.00
<b>Water &amp; Sewer Revenues</b>				
W/S Sale of Fixed Assets	30-3836-82000	\$ -	\$ 4,228.60	\$ 4,228.60
<b>Water &amp; Sewer Expenditures</b>				
W/S – C/O Software		\$ -	\$ 4,228.60	\$ 4,228.60
<b>Fleet Maintenance Revenues</b>				
Miscellaneous Revenues	31-3839-89000	\$ -	\$ 1,195.00	\$ 1,195.00
<b>Fleet Maintenance Expenditures</b>				
Salaries/Overtime	31-4210-12200	\$ -	\$ 1,195.00	<u>\$ 1,195.00</u>
				<u>\$ -</u>

Budget Amendment # 13 is to allocate revenues and expenses associated with the auction held October 13, 2001 and to cover the cost associated with the Fixed Asset Upgrade.

Adopted and effective this 19th day of February, 2002

Philip K. Price, Mayor

Attest:

Kim J. Scott, City Clerk

Budget Amendment #14	Account #	From	To	Amount
<b>General Fund</b>				
Donations to Dare Program	10-3431-85000	\$ -	\$ 1,400.00	\$ 1,400.00
<b>General Fund</b>				
Bicycle Grant	10-4310-29902	\$ -	\$ 1,400.00	<u>\$ 1,400.00</u>
				<u>\$ -</u>

Budget Amendment # 14 is to record Grant for Bicycle Helmets.

Adopted and effective this 19th day of February, 2002

Attest:

Kim J. Scott, City Clerk

Philip K. Price, Mayor

February 19, 2001

CITY OF EDEN, N.C.

Minutes of the regular February 19, 2002 meeting of the City Council, City of Eden, continued:

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

(q) Consideration of additions to the Safety and Loss Control Committee.

A motion was made by Council Member Gover seconded by Council Member Vestal to approve this request to add Jimmy Bolden, Wanda Angel and Teri Clifton to the Safety and Loss Control Committee.

Council Member Grogan questioned the time that was taken away from the employee's on this committee.

Council Member Gover, as chairman of this committee, replied that they tried to stay within an hour, depending on the amount of instances they would have to review.

(r) Consideration of 2-inch water line replacement.

The memorandum explained that due to financial constraints the 2" waterline replacement program was not funded in the current budget. Now that they were more than half way through the fiscal year and have a better idea of the city's financial condition it was requested that the City Council authorize a portion of this program to be restored for completion during the current budget cycle that ends June 30, 2002.

It was noted that the city has \$100,000.00 that was allocated to account 9990-9991 W/S Contingency. It was proposed that \$ 46,500.00 of this total be allocated for the following project:

Replacement of approximately 6,600' of old 2" water line with new 6" ductile iron pipe (Ford Street) - \$ 46,024.98.

There is an old 2" galvanized water line that runs along South Avenue to Ford Street and then down Ford Street pass Ashby Street and then reduces to a 1" line and dead ends approximately 300' to 400' east of Ashby Street. The staff was frequently making repairs to this line. The proposal was to run a new 6" ductile line from South Avenue East to Third Avenue and then down Third to Fieldcrest Road. This will give customers better quality water and better volume of water.

Restoration of the city's 2" waterline replacement program is critical to the future of the city and it was recommended by staff that this project be funded since it is currently ranked 2<sup>nd</sup> on the priority list. The top priority, Cascade Avenue, is cost prohibitive and time prohibitive in terms of available funding and projects already on the books to be completed prior to June 30<sup>th</sup>. It was anticipated that the replacement of the Cascade Avenue line would be in the FY 2000-03 budget. This work can be completed prior to June 30, 2002 and staff will try to make sure that adequate funds are budgeted and made available to pay for this project.

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

(s) Consideration of Photo ID Badge Policy.

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

(t) Consideration of sale of surplus vehicles (garbage truck and Crown Victoria).

A motion was made by Council Member Gover seconded by Council Member Vestal to approve this request to declare the vehicles surplus. All Council Members voted in favor of this motion. This motion carried.

(u) Consideration of Committee on Fire Tax District as a liaison of Public Safety Committee.

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

(v) Consideration of Budget Amendment #15 (to add the DMV offices to City Hall)

Mayor Price explained that this item was a proposal to budget for the DMV office construction.

*(See January 10, 2002 minutes of Council.)*

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

(w) Consideration of Park Committee recommendation to name the City Park "City of Eden Freedom Park".

Dr. David Smith, Chairman of the Park Committee, explained that the events of September 11<sup>th</sup>, bring to mind thoughts of horror, destruction and death. It was a date that they would not soon forget. He noted that out of this tragedy, a positive emerges. A spark of patriotism has rekindled the flame of national pride in what is good and right in America. He stated that in response to this, the Parks & Recreation Department and Park Committee, thought it would be good to allow the citizens of Eden an opportunity to rename the park, since it is in its initial stages of development. He noted that this new name could remind them now and in the future of these precious gifts. With the help of the Eden Daily News, residents were given the opportunity to indicate their choice. For two months, since December, entries were sought that showed the people's desire, to either leave it as Eden City Park or select from a list of suggested names such as Liberty, Unity, and Patriot Park, or even suggest a name of their own choosing. They received nearly 700 responses. Many suggested alternate names, some within the spirit of 9-11 and some were not. He thanked all those who participated. They tallied all responses and based on the unanimous approval of the Park Committee, they recommended that the City Council consider and adopt the name of the new park to be, City of Eden Freedom Park.

Mayor Price thanked Dr. Smith and the members of the Park Committee for their efforts.

Council Member Tudor commented that a couple of months ago Dr. Smith came before Council and requested that they be allowed to carry out this process. He noted that the Council approved

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CITY OF EDEN, N.C.

Minutes of the regular February 19, 2002 meeting of the City Council, City of Eden, continued:

this process and it had gone through and they have a name as a result. He stated that he thought it was fitting that they honor the choice of the people that took part in this process.

A motion was made by Council Member Tudor seconded by Council Member Epps to approve this request.

There was some question by Council Member Grogan that the decision was too fast and Council had voted before he had time to speak up.

Council Member Grogan commented that what Council Member Tudor said was very true. Since the article was in the paper, and the majority of the votes were second graders, he had gotten more phone calls over the naming of this park than anything that he had ever been involved in for this city. He stated that he also felt the need to express what people had expressed to him and that was leaving the park as Eden City Park, and designating different areas inside the park, Freedom Lane, Freedom Ball Park, Liberty Play Park, etc., but it be Eden City Park. He stated that he did not think anyone takes issue about September 11<sup>th</sup>, as far as the United States was concerned, and the reverence that all citizens have toward that tragedy, but with all the comment and everything that was given to him, he wanted to make a substitute motion.

A substitute motion was made by Council Member Grogan seconded by Council Member Reynolds for the park to remain "Eden City Park" with different areas be designated any way that the City Park Committee chose to do so.

Council Member Tudor pointed out that the Council had a motion and a second that was voted on and passed.

Mayor Price referred the question to the City Attorney, however Council Member Grogan asked that the tape be played back. He noted he had never been on a "train that went quite that fast" and he did not think that they heard but two voices say something when the vote was called.

Mayor Price commented that if the Council would like to revote, they could do so.

Council Member Tudor replied that in the point of unity, he would acquiesce, and they would vote on the substitute motion and if it passed, and if it did not, then they could vote on the original motion, if it was agreeable to Mr. Epps (who seconded the motion). Council Member Epps indicated that it was agreeable.

Council Member Myott indicated that this troubled her because they did talk about this a lot and the things did come out in the paper for people to vote. She noted that what bothered her was, no more people voted than did, and a large percentage of them were second grade children as Mr. Grogan said. That tells her that maybe as many people were not as interested in this park as they

really thought in the beginning, but having said that, they did do it by that process and it was voted, and she thought they agreed to accept the name that received the most votes. She stated that as far as she was concerned it was done.

Council Member Tudor referred to the comments about second graders voting. He stated that he saw nothing wrong with that. They took the forms to the schools and now they were questioning the fact that the children in the schools had voted when they took them the ballots so they could vote.

Council Member Myott explained that she was not questioning children voting, but that what bothered her was that adults did not vote, who's tax money was going toward this park.

Council Member Reynolds asked Dr. Smith what his feelings were to which Dr. Smith replied that the Park Committee was very flexible to anything that the Council decided to do. They were interested in building a park. They did offer the opportunity to citizens to give their voice and people spoke. He pointed out that sometimes they have an election and they did not have too many people come out and vote, but they have an election. They did have a very good suggestion from one responder that they do incorporate the theme of liberty, unity, patriot, and independence, within the park. That was a very favorable response by someone.

Council Member Epps commented that since it was advertised and people sent in their ballots, that they have to abide by that.

Action on the substitute motion was as follows: Council Members Grogan, Gover and Reynolds voted in favor of the substitute motion. Council Members Myott, Tudor, Vestal, and Epps voted in opposition. Substitute motion failed.

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

#### Consent Agenda:

- (a) Approval and adoption of minutes – January 10, 15, 17, 29, 2002.
- (b) Approval and adoption of a motion to hold a public hearing and to consider an ordinance rezoning property located off Meadow Road and Highway 770 from Industrial-2 and Residential-12 to Residential-Suburban. ZONING CASE Z-02-01.

The memorandum explained that the city has received a request from Charles Arthur Dick to amend the zoning map. The request is to rezone approximately 411 acres of land located off Highway #770 from Industrial-2 and Residential-12 to Residential-Suburban.

The Planning and Inspections Department recommends approval of the map amendment request with an amendment that the Residential-12 portion of the property remain as it is currently zoned. At their January 29, 2002 meeting, the Planning Board voted to recommend that the City Council approve this request as amended. A motion and vote to call a public hearing for comments on this map amendment request is in order.

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CITY OF EDEN, N.C.

Minutes of the regular February 19, 2002 meeting of the City Council, City of Eden, continued:

- (c) Approval and adoption of a motion to hold a public hearing and considering an ordinance for an amendment to Chapter 13, Article III, Section 13-86 of the Eden City Code to include the extraterritorial jurisdiction street closing requests.

The North Carolina General Statutes give the City of Eden the authority to close streets. Currently, the City Code limits such closure to those streets within the city limits. Several streets have been closed outside the city limits on the advice of our previous City Attorney.

The Director of Planning & Inspections asked that the Council call a public hearing to amend Section 13-86 of the Eden City Code to delete the phrase "within the city limits" for their March 19<sup>th</sup> regular meeting.

- (d) Approval and adoption of a motion to hold a public hearing and considering an ordinance for an amendment to Chapter 6 of the Eden City Code pertaining to nuisances.

The memorandum explained that during the mid 1990's the Eden City Council amended the sections of the City Code applicable to nuisances to improve the process and streamline the procedures. During the update to the City Code the old provisions were inadvertently put into the Code instead of the most recently adopted sections.

The sections now in the code call for hearings to be held before the City Manager and more time would lapse before the violation can be abated.

The Director of Planning & Inspections asked that the City Council call a public hearing to amend the City Code to include the most recently revised provisions.

- (e) Approval and adoption of a motion to set a public hearing on March 14, 2002 for bond refunding.

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

CITY OF EDEN, NORTH CAROLINA  
**SWORN STATEMENT OF DEBT MADE PURSUANT TO THE  
LOCAL GOVERNMENT BOND ACT, AS AMENDED**

I, Lori Ford, Finance Director of the City of Eden, North Carolina, having been designated by the City Council of said City to make and file with the City Clerk a statement of the debt of said City pursuant to The Local Government Bond Act, as amended, DO HEREBY CERTIFY that the following is a true statement as shown by the books in my office, not taking into consideration any debt incurred or to be incurred in anticipation of the collection of taxes or other revenues or in anticipation of the sale of bonds other than funding and refunding bonds:

- (a) GROSS DEBT

a(1)	Outstanding debt evidenced by bonds:	
	Water and Sewer, Series 1991B	\$4,350,000
	General Obligation Water and Sewer, Series 2000 (AMT)	<u>5,140,000</u>
	Total	<u>\$9,490,000</u>
a(2)	Bonds authorized by orders introduced, but not yet adopted:	
	Refunding	<u>\$5,000,000</u>
a(3)	Unissued bonds authorized by adopted orders:	\$ _____ -0-
a(4)	Outstanding debt, not evidenced by bonds:	\$ _____ -0-
(a)	GROSS DEBT, being the sum of a(1), a(2), a(3) and a(4):	<u>\$14,490,000</u>
(b) DEDUCTIONS		
b(1)	Funding and refunding bonds authorized by orders introduced but not yet adopted:	<u>\$5,000,000</u>
b(2)	Funding and refunding bonds authorized but not yet issued:	\$ _____ -0-
b(3)	The amount of money held in sinking funds or otherwise for the payment of any part of the principal of gross debt other than debt incurred for water, gas, electric light or power purposes or sanitary sewer purposes (to the extent that the bonds are deductible under G.S. 159-55(b)):	\$ _____ -0-
b(4)	Bonded debt included in gross debt and incurred, or to be incurred, for water, gas, electric light or power purposes:	<u>\$4,083,758</u>
b(5)	Bonded debt included in gross debt and incurred, or to be incurred, for sanitary sewer system purposes (to the extent that said debt is made deductible by G.S. 159-55(b)):	\$ _____ -0-
b(6)	Uncollected special assessments heretofore levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred to the extent that such assessments will be applied, when collected, to the payment of any part of the gross debt:	\$ _____ -0-

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CITY OF EDEN, N.C.

Minutes of the regular February 19, 2002 meeting of the City Council, City of Eden, continued:

- b(7) The amount, as estimated by the Finance Director special assessments to be levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred, to the extent that the special assessments, when collected, will be applied to the payment of any part of the gross debt: \$           -0-
  
- (b) DEDUCTIONS, being the sum of b(1), b(2), b(3), b(4), b(5), b(6) and b(7): \$9,083,758
  
- (c) NET DEBT
  
- (c) NET DEBT, being the difference between the GROSS DEBT (a) and the DEDUCTIONS (b): \$5,406,242
  
- (d) ASSESSED VALUE
  
- (d) ASSESSED VALUE of property subject to taxation by the City, as revealed by the City tax records and certified to the City by the assessor: \$586,666,080
  
- (e) PERCENTAGE
  
- (e) Percentage which the NET DEBT (c) bears to the ASSESSED VALUE (d): .92%

The foregoing statement is true.

s/Lori Ford  
Finance Director

STATE OF NORTH CAROLINA            )  
  )        ss.:  
COUNTY OF ROCKINGHAM            )

Subscribed and sworn to before me this 19th day of February 2002.

Enter info here:

\_\_\_\_\_  
Notary Public

My Commission expires \_\_\_\_\_.

I, Kim J. Scott, CMC, City Clerk for the City of Eden, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of a statement which was filed with me at a meeting of the City Council for said City held on February 19, 2002, after the introduction and before the public hearing on an order authorizing bonds of said City, and that said statement is open to public inspection in my office.

WITNESS my hand and seal of said City this \_\_\_\_ day of February, 2002.

s/Kim J. Scott  
City Clerk

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 February 19, 2002.

Present: Mayor Philip K. Price, presiding, and Council Members Grogan, Epps, Vestal, Reynolds, Myott, Tudor, Gover Absent: Council Members

Also Present: City Manager, Brad Corcoran, City Attorney, Tom Medlin, Jr.

\* \* \* \* \*

Council Member Grogan introduced the following order authorizing bonds, the title of which was read and copies of which had previously been distributed to each Council Member:

**ORDER AUTHORIZING \$5,000,000 WATER AND SEWER REFUNDING BONDS**

BE IT ORDERED by the City Council for the City of Eden, North Carolina:

1. That pursuant to The Local Government Bond Act, as amended, the City of Eden, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power and authority to contract, and in evidence thereof to issue Water and Sewer Refunding Bonds in an aggregate principal amount not exceeding \$5,000,000 for the purpose of providing funds, with any other available funds, for refunding all or a portion of the City's outstanding Water and Sewer Bonds, Series 1991B, dated December 1, 1991, and paying certain expenses related thereto.
2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.
3. That a sworn statement of debt of said City has been filed with the City Clerk and is open to public inspection.
4. That this order shall take effect upon adoption.

February 19, 2001

CITY OF EDEN, N.C.

Minutes of the regular February 19, 2002 meeting of the City Council, City of Eden, continued:

The City Council thereupon designated the Finance Director to make and file with the City Clerk the sworn statement of debt of the City which is required by The Local Government Bond Act, as amended, to be filed after the bond order has been introduced and before the public hearing thereon.

Thereupon, the Finance Director filed with the City Clerk, in the presence of the City Council, the sworn statement of debt as so required.

Thereupon, the order entitled "ORDER AUTHORIZING \$5,000,000 WATER AND SEWER REFUNDING BONDS" was passed upon introduction by the following vote:

Ayes: All members of Council (Grogan, Epps, Vestal, Reynolds, Myott, Tudor, Gover)

Noes: \_\_\_\_\_

On motion duly made, seconded and carried, the City Council fixed 4:00 p.m. on March 14, 2002, in the City Hall in Eden, North Carolina, as the hour, day and place for the public hearing upon the foregoing order and directed the City Clerk to publish said order, as required by The Local Government Bond Act, as amended, once in the Eden Daily News not later than the sixth day before said date.

\* \* \* \* \*

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 February 19, 2002, as it relates in any way to the adoption of an order authorizing \$5,000,000 Water and Sewer Refunding Bonds and the calling of a public hearing upon such order and other related matters and that said proceedings are recorded in Minute Book No. 26 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 19th day of February, 2002.

s/Kim J. Scott  
City Clerk

[SEAL]

TO THE PUBLISHER OF THE EDEN DAILY NEWS:

Please publish the following on Friday, February 22, 2002:

**ORDER AUTHORIZING \$5,000,000 WATER AND SEWER REFUNDING BONDS**

BE IT ORDERED by the City Council for the City of Eden, North Carolina:

1. That pursuant to The Local Government Bond Act, as amended, the City of Eden, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power and authority to contract, and in evidence thereof to issue Water and Sewer Refunding Bonds in an aggregate principal amount not exceeding \$5,000,000 for the purpose of providing funds, with any other available funds, for refunding all or a portion of the City's outstanding Water and Sewer Bonds, Series 1991B, dated December 1, 1991, and paying certain expenses related thereto.

2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of debt of said City has been filed with the City Clerk and is open to public inspection.

4. That this order shall take effect upon adoption.

The foregoing order has been introduced and a sworn statement of debt has been filed under The Local Government Bond Act showing the appraised value of the City of Eden to be \$586,666,080 and the net debt thereof, including the proposed bonds, to be \$5,406,242. A tax will be levied to pay the principal of and interest on the bonds if they are issued. Anyone who wishes to be heard on the questions of the validity of the bond order and the advisability of issuing the bonds may appear at a public hearing or an adjournment thereof to be held at 4:00 p.m. on March 14, 2002 in the City Hall in Eden, North Carolina.

Kim J. Scott, CMC  
City Clerk  
City of Eden, North Carolina

**13. ORDINANCES AND RESOLUTIONS:**

(a) Consideration of an ordinance amending Section 11.26, the Board of Adjustment section of the City of Eden Zoning Ordinance to change the setbacks for residential structures used for recreational purposes. ZONING CASE Z-01-09.

(b) Consideration of an ordinance amending Section 4, Article 1 of the Eden City Code to establish standards for vacating and closing a structure.

(c) Consideration of an ordinance amending Section 4, Article VI of the Eden City Code to establish a Non-Residential Maintenance Code.

(d) Consideration of an ordinance amending Eden City Code pertaining to the Safety and Loss Control Program and to include ordinance into the Eden City Code.

A motion was made by Council Member Tudor seconded by Council Member Myott to approve ordinances and resolutions items a, b, c, and d. All Council Members voted in favor of this motion. This motion carried.

VOUCHERS:

There were no discussions on vouchers.

ADJOURNMENT:

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

Respectfully submitted,

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Kim J. Scott  
City Clerk

ATTEST:

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Philip K. Price  
Mayor