

CITY OF EDEN, N.C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, March 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:	(absent)	S. Brad Corcoran
City Attorney:		Tom Medlin, Jr.
City Clerk:		Kim J. Scott
Deputy City Clerk:		Sheralene Thompson
Representatives from City Departments:		
Representatives from News Media:		Erica Kinnaird, <u>Eden Daily News</u>
		Leslie Brown, <u>Greensboro News & Record</u>

MEETING CONVENED:

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

INVOCATION:

Mr. Mike Reynolds, Pastor, First Christian Church Oakland Avenue, gave the invocation.

PROCLAMATIONS:

Mayor Price read the following proclamation recognizing Litter Sweep.

ANNUAL "LITTER SWEEP" SPRING ROADSIDE CLEANUP

WHEREAS, North Carolina's beautiful scenery and clean environment are a source of great pride, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the North Carolina Department of Transportation's Office of Beautification Programs organizes a statewide cleanup campaign each spring and fall to ensure clean roadsides throughout our state; and

WHEREAS, a spring cleanup campaign has been planned for April 15-19, 2002, to help educate the public about the harmful effects of litter on the environment and give every citizen the opportunity to take responsibility for clean roads in North Carolina; and

WHEREAS, the 2002 spring cleanup will celebrate the 14th Anniversary of North Carolina Adopt-A-Highway program, and the thousands of volunteers who contribute their labor and time year round to keep our roadsides clean; and

WHEREAS, the 2002 spring cleanup will give citizens the opportunity to make our roadsides clean and beautiful to enhance North Carolina's;

NOW THEREFORE I, Philip K. Price, Mayor of the City of Eden, do hereby proclaim April 15-19,2002; as

"LITTER SWEEP"

in the City of Eden, and urge all citizens to participate in keeping our roadsides clean and to reduce and recycle solid wastes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eden, this 19th day of March 2002.

s/Philip K. Price
Philip K. Price
Mayor

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

Additions or Deletions to the Agenda:

The following items were added to the Agenda:

1. Consideration of Solid Waste Rates to be added under New Business.

A motion was made by Council Member Gover seconded by Council Member Vestal to add Consideration of Solid Waste Rates under New Business. All Council Members voted in favor of this motion. This motion carried.

2. Motion to delete item (f) under New Business.

A motion was made by Council Member Epps seconded by Council Member Vestal to delete item (f) under New Business. All Council Members voted in favor of this motion. This motion carried.

Public Hearings:

- (a) Consideration of a request to close an unopened alley adjacent to Harvey Street. Request submitted by Larry F. Meade and others. STREET CLOSING SC-02-01.

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

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Mrs. Stultz explained that at their February 26, 2002 meeting, the Planning Board voted to recommend approval of the street-closing request subject to the Engineering Department's recommendations.

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 alley has never been opened. The land abutting the unopened right of way has primary access onto Harvey 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 closing or vacating of a street in accordance with the rules and procedures set forth therein.

She stated that the following public utilities and public service corporations have contacted them in response to this street closing and have issued the following comments in regards to their utility lines and future utility plans:

The City of Eden Engineering and she noted an attached letter and survey. (1) Close the westernmost 175 feet of the alley, which would leave approximately 25 feet for a vehicle turnaround at the dead-end of Harvey Street for the city's trucks and other public vehicles. (2) Require the applicant to grant the city a 40 by 30-foot easement at the southern dead-end of Harvey Street for the existing 2-inch waterline, waterline appurtenances, existing street roadway pavement and streetlight. This area combined with the area above will create the above referenced turnaround.

She noted that Duke Power Company had no objections. She stated that they did not hear from N.C. Gas Service, Sprint, Dan River Water or Time Warner Cable.

According to the N.C. General Statutes and the Eden City Code, before the city could close a street, the City Council must be satisfied of two matters: (1) That the street closing was not contrary to the public interest and (2) that no individual who owned property in the vicinity of the street was 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 issued the following comments: Contingent upon comments from the public service corporations, the staff was of the opinion that the street was not required for public utility service.

Based upon the fact that the street has never been opened, nor was the street in the city thoroughfare plan or any other transportation improvement plan, the staff was of the opinion that the street was 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 Harvey Street and Long Street the staff was of the opinion that no one would be denied reasonable means of ingress and egress because of the closing.

In conclusion, the staff recommended, based upon these stated findings, that the street be closed as amended subject to the easement for the benefit of the City of Eden as per the

recommendations of the City of Eden Engineering Department and that only 175 linear feet of the street be closed to accommodate the Engineer's recommendation.

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

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

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 line 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 North 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 19th day of March, 2002, at 7:30 P.M.

BE IT FURTHER RESOLVED that this Resolution will be published once a week for four (4) successive weeks prior to said hearing, a copy of said Resolution will be sent registered or certified mail to all owners of property adjoining said street as shown on the Rockingham County Tax Department 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, City Clerk

(b) Consideration of a request to close an unopened portion of Hopper Lane. Request submitted by Wallace A. and Lillie Purdy and others. STREET CLOSING SC-02-02.

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

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Mrs. Stultz explained that at their February 26, 2002 meeting the Planning Board voted to recommend approval of the street closing request subject to obtaining an easement for the benefit of N. C. Gas Service.

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 alley has never been opened. The land abutting the unopened right of way has primary access onto Park Avenue and Caleb Street.

The following public utilities and public service corporations have been contacted in response to this street closing and have issued the following comments in regards to their utility lines and future utility plans for the area. She noted that the Engineering Department had no objections and also Duke Power Co. none. N.C. Gas Service has a gas line in the street right of way and they were working to procure an easement.

The following companies have yet to respond to inquires regarding locations of utilities in this area or their future plans: Sprint, Dan River Water, and Time Warner Cable

According to the N.C. General Statutes and the Eden City Code, before the city could close a street, the City Council must be satisfied of two matters: (1) That the street closing was not contrary to the public interest and (2) that no individual who owned property in the vicinity of the street was 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 was of the opinion that the street was not required for public utility service for the area except as subject to an easement granted for the benefit of N.C. Gas Service.

Based upon the fact that the street has never been opened, nor was the street in the city thoroughfare plan or any other transportation improvement plan, the staff was of the opinion that the street was 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 Park Avenue and Caleb Street the staff was of the opinion that no one would be denied reasonable means of ingress and egress because of the closing.

In conclusion, the staff recommended, based upon these stated findings, that the street be closed as requested subject to the easement for the benefit of N.C. Gas Service.

Mrs. Stultz noted that one thing that they would like to add, after consulting with the City Attorney, was to recommend that after the Council held their public hearing and allowed comments, that they table the decision until the easement was procured from N.C. Gas Company.

Mayor Price asked if anyone would like to speak in favor or in opposition of this request. As no one 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 Tudor to table this request until an easement was procured from N.C. Gas Company. All Council Members voted in favor of this motion. This motion carried.

Council Member Gover asked if the people who had made this request would be notified to which Mrs. Stultz replied in the affirmative.

RESOLUTION OF INTENT TO CLOSE AN UNOPENED PORTION

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 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 a pipe in the property line of Sarah R. Perdue; thence from said point, South 35° 08' East 90.41 feet to a pipe found, being the 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 19th day of March, 2002, at 7:30 P.M.

BE IT FURTHER RESOLVED that this Resolution will be published once a week for four (4) successive weeks prior to said hearing, a copy of said Resolution will be sent registered or certified mail to all owners of property adjoining, said street as shown on the Rockingham County Tax Department 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, City Clerk

(c) Consideration of a zoning map amendment request to rezone property located on Highway #770/Meadow Road from Industrial-2 to Residential-Suburban. Request submitted by Charles Arthur Dick, owner of Willow Oaks Plantation, LLC. ZONING CASE Z-02-01.

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

Mrs. Stultz explained that the subject property consists of approximately 411 acres, located off of Highway #770/ Meadow Road. In 1998 at the request of the former owner, Spray Water Power and Land Company, the City Council rezoned the property to Industrial-2 and approximately 26 acres near the Green Acres subdivision was changed to Residential-12. Green Acres was zoned Residential-12. The portion of the property rezoned to Industrial-2 was marketed as industrial land for several years after the change. In 2001, the Willow Oaks Plantation adjacent to the subject parcel was purchased by Willow Oaks Plantation, LLC. The intent was to preserve the structures on the site and to maintain the surrounding property as a preserve. This firm purchased the subject property in 2001 as an addition to the Willow Oaks Plantation property.

The request was to change the zoning of the portion of the subject tract that was now Industrial-2 to Residential Suburban. This was a district primarily designed for rural and agricultural uses. Willow Oaks Plantation was in Rockingham County's planning jurisdiction and was currently zoned for agricultural uses.

Barring unforeseen changes in circumstances, generally staff recommendations regarding the use of land on a property did not dramatically change in short periods of time. In this instance, the purchase of Willow Oaks Plantation and the property in question and the decision to create a preserve present a precedent setting change in character.

Based upon the current character of the area, staff was of the opinion that a change to Residential Suburban was appropriate for the portion of the property that was currently zone I-2. Therefore, staff recommended that the R-12 zoning of the 26 acre tract lying adjacent to the Green Acres subdivision be retained as requested and that the remainder of the parcel be re-zoned Residential Suburban.

The City Attorney asked Mrs. Stultz to give some examples of rural and agricultural uses.

Mrs. Stultz replied that it was large lot, single family residential uses, and then over 25,000 square feet without water and sewer. It was also allow independent uses such as fenced areas for cattle or horses and those types of things.

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

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

(d) Consideration of amending Chapter 13, Article III, Section 13-816 of the Eden City Code to include the extraterritorial jurisdiction in the street closing requests.

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

Mrs. Stultz explained that basically this was a simple housekeeping change to our code. She noted that the city's code currently said "within the city limits" and the recommendation was to change that language (to "*within the planning jurisdiction*").

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

(e) Consideration of amending Chapter 6 of the Eden City Code pertaining to nuisances.

The memorandum provided to Council explained that during the February 19, 2002 meeting, the Council called this public hearing to consider an amendment to the Eden City Code pertaining to the nuisance provisions. The amendment under consideration was to amend all applicable sections of the Eden City Code pertaining to nuisances to improve the process and streamline the procedures.

Mayor Price called for a public hearing on this proposal and asked Mrs. Stultz for comments.

Mrs. Stultz explained that in the mid to late 1990's the City Council made a number of changes to the process involving nuisances. Somehow or another when the new City Code was adopted the old provisions got put into the Code. She explained that all they were asking the Council to do was to put back something they had already adopted.

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

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

Financial Report:

The memorandum provided referred to the Finance Report for February 2002. This report was preliminary in nature as the agenda deadline makes it difficult to conduct a detailed analysis. This analysis will become more and more critical as they come closer to the end of the fiscal year. The Director of Finance & Personnel assured Council that this in-depth analysis was on going and may mandate written changes to this preliminary report.

As in the past, Council was cautioned that they city looked better on paper than in reality. Their figures looked strong but they have not yet felt the full burden of the budget cuts mandated by the Governor's office. Those cuts, she anticipated, would be more obvious in the last quarter of the fiscal year. The City Manager and the Finance & Personnel Director were monitoring all of the City's expenses with a close eye.

It was the Director of Finance & Personnel's plan to continually analyze the report submitted for their review. If any unexpected items or discrepancies appeared, Council would be notified immediately.

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

Request and Petitions of Citizens:

(a) Presentation by Dr. David Smith, Chairman, Park Committee

Mayor Price asked Mr. Joey Conner, Director of Parks & Recreation and Dr. David Smith, Chairman of the Park Committee to come forward.

Dr. Smith explained that he wanted to take this opportunity to highlight some corporate citizens who have gone beyond their call of duty to help achieve the goal of the Park Committee. He then asked Mr. Patrick Joyner to come forward. He explained that Patrick, along with wife Heather, owned the local McDonalds. He stated that on behalf of the City of Eden and the Parks & Recreation Department they presented Mr. Joyner with a plaque in recognition of his work in helping to obtain a Ronald McDonald House grant, which totaled \$28,000. He noted that this money would go toward building a youth baseball field.

Dr. Smith continued that Virginia Solite Corporation donated the gravel and rock, which provided a foundation for the park. He then asked Ms. Pam Cox and Mr. Gordon Stadther to come forward. He presented them with a plaque in recognition of their company's donation of approximately \$15,000 worth of gravel and rock and were continuing to help the Park Committee as needs were expanded.

Dr. Smith then recognized Karastan. He noted that Karastan sprang at the request and ran with it. They came up with an idea that not only would Karastan as a company would donate, but they also gave their employees an opportunity to donate. He then asked Mr. Darin Quesinberry, Mr. Charles Harrington and Mr. Marty Bullins to come forward as representatives of Karastan. Dr. Smith then presented them with a plaque in recognition of their company and employee's donation of \$10,000. He noted that this money would go toward the entrance, signage, the gates, the fence, flagpoles, and landscaping.

Mayor Price noted not only have they made contributions to this community for a number of years but also they continue to do so. He stated that they were very proud to have these corporate citizens as part of their community. He stated that on behalf of the Council, he also wanted to express their thanks to the Park Committee.

(b) Presentation by Tom Barbour, Past Chairman of Apple Festival Representative

Mr. Tom Barbour explained that he was a former chairman of the Eden Apple Festival back in 1997. He explained that at that time, the Apple Festival Committee agreed that they would put any profits realized from the festival aside to be used for the City Park. He stated that as work was moving forward on the park, they wanted to present a check of \$3,000 for the park's use. He then introduced Ms. Janet Lester, the person who worked behind the festival. He noted that

they wanted to thank Ms. Lester for her efforts as well. He then presented the check to Mr. Joey Conner, Parks & Recreation Director.

Mayor Price thanked Mr. Barbour and Ms. Lester for their contribution. He explained that he had the chance to attend the inaugural meeting for this year's Apple Festival that day. He noted that the committee was now planning the next festival.

New Business:

(a) Consideration of Budget Amendments 17.

This is the Seventeenth Budget Amendment for the year.

Budget Amendment 17	Amount #	From	To	Amount
General Fund				
Finance - Salaries	10-4130-12100	209,100	145,600	(63,500)
Fin - Overtime	10-4130-12200	1,000	500	(500)
Fin - Salaries/ Longevity	10-4130-12700	1,800	950	(850)
Fin - FICA	10-4130-18100	16,300	11,339	(4,961)
Fin - Retirement Exp	10-4130-18200	14,600	10,151	(4,449)
Fin - Group Ins	10-4130-18300	26,300	17,671	(8,629)
Fin - Insurac. & Bonds	10-4130-18600	1,112	612	(500)
Fin - Truck/Gas	10-4130-25100	5,500	-	(5,500)
Fin - Truck/Tires	10-4130-25200	700	-	(700)
Fin - Truck/Parts	10-4130-25300	2,500	-	(2,500)
Fin- M/R Vehicle	10-4130-25400	2,000	-	(2,000)
Fin- Office Supplies	10-4130-26100	2,000	1,000	(1,000)
Fin - EDP Supplies	10-4130-29100	2,800	1,400	(1,400)
Fin- Postage	10-4130-32600	19,500	5,500	(14,000)
Fin - Printing	10-4130-34100	5,500	3,500	(2,000)
Fin - M/R Equipment	10-4130-35400	6,500	-	(6,500)
Fin - M/R Radios	10-4130-35800	100	-	(100)
Fin - P/S Programming	10-4130-38100	17,000	1,000	(16,000)
Fin - Contracted Services	10-4130-39400	52,000	30,000	(22,000)
Fin- Ins & Bonds	10-4130-45100	2,162	1,162	(1,000)
Fin - Reimbursement Ent Fund	10-4130-99000	(336,000)	(241,000)	95000
Contingency Appropriations	10-9990-99100		63,088.73	<u>63,088.73</u> (0.00)
Water & Sewer Fund				
B/C Salaries	30-7115-12100	-	109,419	109,419
B/C Overtime	30-7115-12200	-	850	850
B/C Salaries/Longevity	30-7115-12700	-	850	850
B/C FICA	30-7115-18100	-	8,501	8,501
B/C Retirement Exp	30-7115-18200	-	7,623	7,623
B/C Group Ins	30-7115-18300	-	17,199	17,199
B/C ST Disability	30-7115-18400	-	344	344
B/C Insurac. & Bonds	30-7115-18600	-	1,786	1,786
B/C Truck/Gas	30-7115-25100	-	5,500	5,500
B/C Truck/Tires	30-7115-25200	-	700	700
B/C Truck/Parts	30-7115-25300	-	2,500	2,500
B/C M/R Vehicle	30-7115-25400	-	2,000	2,000
B/C Office Supplies	30-7115-26100	-	1,000	1,000
B/C EDP Supplies	30-7115-29100	-	1,400	1,400

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B/C Postage	30-7115-32600	-	14,000	14,000
B/C Printing	30-7115-34100	-	2,000	2,000
B/C M/R Equipment	30-7115-35400	-	6,500	6,500
B/C M/R Radios	30-7115-35800	-	100	100
B/C P/S Programming	30-7115-38100	-	16,000	16,000
B/C Contracted Services	30-7115-39400	-	22,000	22,000
B/C Ins. & Bonds	30-7115-45100	-	1,000	1,000
Contributions to G/F	30-9920-98100	664,800	569,800	(95,000)
Contributions to Sewer Cnst.	30-9920-98500	600,000	580,000	(20,000)
W/R Salaries	30-7110-12100	588,900	542,981	(45,919)
W/R Overtime	30-7110-12200	13,000	12,650	(350)
W/R FICA	30-7110-18100	47,100	43,560.42	(3,539.58)
W/R Retirement	30-7110-18200	42,000	38,825.95	(3,174.05)
W/R Group Insurance	30-7110-18300	82,700	74,130	(8,570)
W/R ST Disability	30-7110-18400	1,000	656	(344)
W/R Worker's Comp	30-7110-18600	14,500	13,214	(1,286)
C/D Salaries	30-7125-12100	303,400	260,311.27	<u>(43,088.73)</u>
				0.00

**Sewer Construction
Revenue**

S/C Transfer from W/S	72-3839-98000	600,000	580,000	(20,000)
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Expenditure

Emergency Repairs – Pump Station	72-8130-55002	300,000	280,000	(20,000)
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Budget Amendment #17 was to transfer the Billing & Collections Department to the Water & Sewer Fund.

Adopted and effective this 19th day of March, 2002.

Attest:

s/Kim J. Scott, City Clerk

s/Philip K. Price, Mayor

A motion was made by Council Member Grogan seconded by Council Member Gover to approve Budget Amendments #17. All Council Members voted in favor of this motion. This motion carried.

(b) Consideration of Concession Facility Leases.

The memorandum provided explained that it had attached the Concession Facility Leases for the DeHart and Mill Ave. Ball Parks. According to the leases, the Spray Volunteer Fire Department and Draper Volunteer Fire Department will have concession rights to the DeHart and Mill Ave. Ball Parks, respectively.

The leases will commence on March 20, 2002 and terminate on November 30, 2002. There are several conditions related to the each lease, which both parties have adhered to over the life of the leases.

The Parks, Recreation and Facility Maintenance Department would like to recommend the lease agreements be approved for the Spray and Draper Volunteer Fire Departments for 2002.

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 rental rates for park picnic shelters.

The memorandum explained that with the development of the first phase at the City of Eden Freedom Park imminent, the Parks and Recreation Department would like to recommend a revision in the rental rates for all picnic shelters under its jurisdiction.

They were recommending rates for half-day rentals as well as full day rentals. Also, they were recommending rates for city residents and non-residents. Below is the recommendation for shelters at the Morgan Rd. Community Park, Bridge St. Community Park, Mill Ave. Ball Park, Peter Hill Park and the existing City Park on Hwy. 14.

Hours	City Resident	Non-Resident
10:00 a.m. – 3:00 p.m	\$15.00	\$25.00
3:30 p.m. – Closing	\$15.00	\$25.00
All Day Rental	\$25.00	\$40.00

It was recommended that a different fee for the rental of the 48' x 68' shelter at the new City of Eden Freedom Park. This was the largest shelter under their jurisdiction and will be staffed during all weekend rentals. Below is the recommendation for this shelter:

Hours	City Resident	Non-Resident
10:00 a.m. – 3:30 p.m	\$25.00	\$40.00
3:30 p.m. – Closing	\$25.00	\$40.00
All Day Rental	\$25.00	\$60.00

The Parks & Recreation Director contacted the other municipalities in Rockingham County regarding their shelter rentals and those recommended rates were very comparable. Presently, the rates for the small shelter at the City Park on Hwy. 14 were \$ 10.00 for City Residents and \$20.00 for non- residents.

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

(d) Consideration of Historical Documents.

The memorandum from the American Legion explained that in the aftermath of September 11th, as a show of patriotism, Wake Up America Project, at the American Legion Post 79 at 703 Watson Street, Reidsville, NC., request permission to display Historical Documents in the Eden City Administration Building.

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.

(e) Consideration of Unclaimed Property/Bicycles.

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The memorandum provided to Council explained that the Police Department was in Possession of a large number of unclaimed bicycles. That number will increase before any action is taken.

G.S. 15-12 through 15-16 prescribes the procedure for disposing of unclaimed property. It allows for the property to be given to a charitable organization for free.

The Chief noted that they have spoken to the Salvation Army, and they would like to have the bikes. His request was permission to follow the procedure outlined in the statutes, then give the bikes to the Salvation Army. The bikes were of relatively little value and they did not want to keep them at the new building. It was also inconvenient to hold an auction at this time.

Secondly, the Chief requested that the Council authorize the Police Department to dispose of bicycles they acquire in the future without having to ask for authority each time. He noted they would try to give them to a different organization each time.

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.

(f) Consideration purchase of flag pole for Station 400.

This item was deleted from the agenda.

(g) Consideration of 2002 Street Contract - Request to Solicit Bids.

The memorandum explained that the Engineering Department requested authorization from Council to solicit bids for the 2002 Street Contract. The Public Works Committee has approved the proposed project and has endorsed the attached street resurfacing list and the new pavement construction of Millner Street. Once the bids were received and a responsive low bidder has been determined, a recommendation on award of the contract would be presented to Council for approval.

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

(g) Consideration of Solid Waste Rates.

Mayor Price stated that they have had a lot of discussion on this proposal. He then proceeded to make a statement on behalf of the City Manager. Mr. Corcoran encouraged the Council to proceed with this item as presented by him; his recommendation was that they needed this program phased in as it was initially proposed. Mr. Corcoran felt very strongly about this proposal. He then opened the floor for comment.

A motion was made by Council Member Grogan seconded by Council Member Tudor to accept the City Manager's recommendation, which was the phase in discussed during the Council's retreat.

Council Member Vestal commented that he had some problems with the figures on this. He stated that due to the figures still not meeting satisfaction, he discussed it at length with the Mayor and Mrs. Ford, the Finance Director, and he had a proposal to leave off the 70% and 80% at this time and just go with the 60% phased in, beginning in July and going through the entire budget year. He explained that this would appropriate \$699,633 to the fund. Instead of going into a lot of numbers he stated that he had talked to Ms. Ford and the Mayor also, but this would leave them a shortfall, they would be cutting their monies that they would have to take out of their savings by about half, on this proposal.

A substitute motion was made by Council Member Vestal seconded by Council Member Gover to phase in only 60% over the next budget year, beginning this July (2002).

Council Member Myott asked if he meant that they would phase in at 60% on July 1st.

Council Member Vestal explained that this proposal that he presented to Mrs. Ford was to be phased in over the year. She had said that if they went ahead and phased this in, the first six months was a 50% of the total figure that the City Manager had recommended on this first 60% phase. The second six months was at the 100% figure. He pointed out that the only difference by doing it all up front was \$80,586 over the entire year. He stated that by coming on the heels of the water rate increase he did not think they needed to hit their citizens with a rate increase. That was why he suggested phasing it in by two steps, the first six months and the second six months.

Council Member Gover added that was why he seconded it because he had rather not hit people with a large increase. He stated that they had gouged them enough and this would suffice what was needed. He stated that he had suggested that in his meeting with the Solid Waste and that was his intent and what he meant by not phasing in the whole package at all.

Council Member Tudor stated that with all due respect, he knew that they read what the City Manager had to say. He stated that the City Manager has said that what he recommends would allow the city to operate next year without a tax increase. He stated that he knew that they did not favor a tax increase. He asked if they had discussed this with the City Manager and if he agreed with their figures and if that would prevent them from having to raise taxes.

Council Member Gover replied that if they come up with 50% of what they needed, raising taxes was not an issue. He stated that he knew that the County was contemplating 5.2 cents on the hundred, which was already at 3, now that was 8 cent (increase). He pointed out that they were sitting there doing more than that, or as much as they have already done on taxes with those "side pockets". He pointed out that that was exactly what those were. He used as an example the water and sewer. They double their water meter then go up on the water. Well they come up with a rate here then go up on their current monthly billing, so that was why he was for the 60% for the year and not the whole package.

Council Member Grogan commented that during the retreat it was a unanimous decision at that time to move forward.

Council Member Reynolds stated that he thought the citizens were getting the shaft, but he agreed with Council Member Vestal, as he was caught between a rock and a hard place.

Council Member Grogan replied that being a citizen, he was going to get the shaft too.

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Council Member Myott added that they all might as well get the shaft. She stated that she misunderstood Council Member Vestal's intent when she had discussed this with him. She explained that as she had understood it, he was for the 50% tier all at one time, July 1st. She stated that she did not understand that it would be phased in at two, and she was in favor of a 60% tier, July 1st.

Council Member Vestal replied that agreed with the program as well, and he thought he had indicated to her that it would be a phase in type situation. He apologized for the miscommunication.

Council Member Tudor cautioned that if they did something other than what the City Manager had recommended they were going to have to come back in a few months and have to admit they had made a big mistake.

Council Member Epps commented with all respect, with what was brought up tonight, if they did not go with the original recommendation, they should table it. He stated that he could not support the substitute motion without more tangible detail.

Council Member Vestal replied that he had expressed his concern about the figures with Mrs. Ford because nothing matched any figures that he could come up with. He noted that nothing matched those figures that had been presented nothing in the budget, in the financial statements or anywhere. He stated that was the reason he had suggested tabling this matter until Mrs. Ford could go from the ground floor up. He also pointed out that on a project of this magnitude, the Finance Director was not at all involved in this study. He stated that due to that fact, he had told Mrs. Ford that he would be in favor of tabling this until she could go over the figures and come back with a presentation and she had said that she would rather phase this in.

Mayor Price stated that he certainly did not doubt that. He stated that he did need to address the discussion about the tax increase. He stated that the tax increase issue came in to the point that the contribution from the General Fund toward the Solid Waste Fund and if they did not have enough money coming in Revenue from the Solid Waste to support that then they have to take it out of the General Fund and that was where the tax increase came into effect. That was very important and very fundamental to this whole issue. They wanted to do the best for everybody in this community and they were facing some very tough times. He stated that he would like to see them go on with this project but he agreed with Council Member Epps that there had been some very valid questions raised and he would like to see them start from ground zero and get all the facts and figures so that everybody on the Council understood exactly what they were, have a special meeting and render some decision in reasonable period of time to allow their staff enough time to do what they need to do to implement the change that they know was coming.

Council Member Grogan commented that the Department Head (Mr. Adams) had worked on this thing for at least two and a half years. He pointed out that it had been before the Solid Waste Committee. He stated that in talking about the Finance Director, that was not her job. Her job was to look at the bottom line of the city, incoming expenses. He stated that she could spend a

week with Mr. Adams and he could go through and explain to her what he had tried to explain to the Council. He stated that he thought they would come back with the same numbers, they could postpone and put off but at some point the income was going to have to equal the expense.

Mayor Price agreed and stated that he thought that was the problem. There were some concerns about numbers. He then mentioned that it was interesting to note that several years ago a consultant came in and took a look at their process and their numbers were not much different than from what they currently had before them. He stated that he did not doubt the numbers but he would feel more comfortable if everyone else could say the same thing.

Council Member Gover commented that he agreed with Council Member Vestal in that he would like to see the Finance Director involved in something of this magnitude. He stated that she was a Finance Director and they did not just arbitrarily go out there and ask a Department Head about numbers.

Council Member Myott stated that she had been in touch with the City Manager and he had assured her that Mr. Adams' figures were correct to which Mayor Price replied that he did not doubt that. He added that he thought they were just trying to be fair so that everyone had a clear understanding.

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

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

Consent Agenda:

- (a) Approval and adoption of minutes – February 14, 19, and 21st, 2002.
- (b) Approval and adoption of a motion to hold a public hearing and to consider an ordinance for an amendment to the Eden City Code to include the ETJ area for code enforcement.

The memorandum explained that since the city has begun the process of considering various areas for annexation, the Department has been reviewing the various ordinances. Several of the city's code enforcement ordinances do not include the extra-territorial jurisdiction in their scope. In order to improve the services offered in those areas the Planning & Inspections Director recommended that the Council amend the various provisions to include the ETJ.

- (c) Approval and adoption of a motion to hold a public hearing and to consider an ordinance rezoning property along Boone Road, Bridge Street, Washington Street from Industrial-1 to Business-General. ZONING CASE Z-02-02.

The memorandum explained that the City Council initiated a Land Use Study on the area around the intersection of Boone Road, Bridge Street and Washington Street. The target area contains several existing businesses, the Railroad Depot and the former Ice Plant property.

At their February regular meeting, the Planning Board had its first look at the preliminary data staff had prepared. This information was also shared with the Planning and Economic Development Committee. Both groups endorsed the proposal moving forward.

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The current zoning pattern of Industrial-1 for much of the area severely limits the re-development possibilities for the properties. The Planning & Inspections Director requested that the Council call a public hearing to consider rezoning portions of the subject area from Industrial-1 to Business-General. No existing business would be made non-conforming with this change.

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

13. ORDINANCES AND RESOLUTIONS:

- (a) Adoption of an ordinance establishing a No Parking Zone on Hollingsworth and reducing the speed limit to 25 mph.

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

- (b) Adoption of an ordinance reducing speed limit to 25 mph from Church Street to Lake Street.

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

- (c) Adoption of an ordinance closing an unopened portion of an unopened street (Sixth Street) adjacent to Short Union Street. STREET CLOSING SC-00-02.

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

- (d) Adoption of an ordinance rezoning property on Highway #770/Meadow Road from Industrial-2 to Residential-Suburban. ZONING CASE Z-02-01.

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

- (e) Adoption of an ordinance amending Chapter 6 of the Eden City Code pertaining to nuisances.

A motion was made by Council Member Tudor seconded by Council Member Vestal to approve and adopt this ordinance. All Council Members voted in favor of this motion. This motion carried.

(f) Adoption of an ordinance amending Chapter 13, Article III, Section 13-86 of the Eden City Code to include the extraterritorial jurisdiction in the street closing requests.

A motion was made by Council Member Epps seconded by Council Member Tudor to approve and adopt this ordinance. 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 Tudor to adjourn. All Council Members voted in favor of this motion

Respectfully submitted,

Kim J. Scott
City Clerk

ATTEST:

Philip K. Price
Mayor