

CITY OF EDEN, N. C.

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

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

MEETING CONVENED:

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

INVOCATION:

Mr. Theodore Foster, Pastor of Rising Star Baptist Church, who was scheduled to give the invocation was unable to attend the meeting due to the death of a church member.

Council Member Epps gave the invocation.

PRESENTATION - FIRE DEPARTMENT HERO AWARD:

For this presentation, the following were asked to come forward: Fire Chief Ronnie Overby, Mr. Willie Shoemaker and his wife Mrs. Martie Shoemaker, Mr. and Mrs. Johnson and their son, Eric.

Chief Overby explained that they were going to present Eric Johnson the Eden Fire Department's Hero Award. He then called on Mrs. Shoemaker to explain how Eric had earned the award.

Mrs. Shoemaker stated that Eric had been their hero since the early morning hours of August 21st. She advised that they had a fire at their home and had it not been for Eric and his alertness, there was no telling what might have happened to their house. She explained that Eric saw it and instead of being a sleepy-eyed little boy on the way to school, he was wide awake and very alert. She said that Eric asked his mother Donna to please stop and try to wake them [the Shoemaker's] up, which they did. Mrs. Shoemaker explained that because of that, their home was saved and they had a reason to be proud of the very special young man.

Chief Overby advised Eric that the Eden Fire Department would like to present him the Hero Award for his quick action on the morning of August 21, 2002 in preventing a serious fire in his neighbor's home.

Mayor Price stated that it was easy to understand why they had such a wonderful future in the community with young men like that. He told Eric that they were very proud of him and appreciated what he was doing and looked forward to his many successes in the future in the city of Eden.

PRESENTATION – ERICA KINNAIRD, EDEN DAILY NEWS:

Mayor Price asked Mike Dougherty, David Clevenger, and Erica Kinnaird to come forward.

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Mayor Price stated that Erica was a features writer for the Eden Daily News. He advised that her boss was David Clevenger, the publisher of the Eden Daily News, and he also recognized Mr. Mike Dougherty, Eden's Business Development Officer. He explained that they wanted to recognize Erica because he thought, as most attendees knew, for the last several months, she had been writing wonderful articles for the Eden Daily News. He noted that she had featured older homes in the community. He advised that she had a special talent and had showcased to the people in the community how wonderful, how blessed they were for the older homes they had and some of things they sometimes took for granted.

Mayor Price told Ms. Kinnaird that he had many people tell him in the community how delighted they were with the way she had written things and with the pictures she had taken. He stated that Erica's work had been noticed throughout North Carolina. He noted that she was awarded the award by the North Carolina Society of Historians. He advised that it was the D.T. Smith Newspaper Award and it was for her writing of three particular older homes in Eden. Mayor Price told Ms. Kinnaird that he could not tell her how proud they were of her and her contributions to the City of Eden and to Rockingham County.

ADDITION OR DELETION TO AGENDA:

Mayor Price advised that there had been a request for the addition of a new business item. He explained that it was for general purpose funding for the senior citizen's centers. He noted that the information just came to them that afternoon and that it was an emergency opportunity for the city of Eden.

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

4. PUBLIC HEARINGS AND ADOPTION OF ORDINANCES:

- a) Consideration of a zoning map amendment request to rezone property at 417, 421, and 425 Decatur Street from Residential-6 to Residential-4. Request submitted by the City of Eden, City Council.

The memorandum presented to Council explained that at their regular meeting in October, the Council scheduled this public hearing to hear comments regarding a zoning map amendment request filed by the Eden City Council. The request was to rezone property at 417, 421, and 425 Decatur Street from Residential-6 to Residential-4.

The Planning & Inspections Department recommended approval of the map amendment request. At their October regular meeting, the Planning Board voted to recommend that the City Council approve this request.

Mayor Price called a public hearing and asked Ms. Kelly Stultz, Director of Planning and Inspections for comments.

Ms. Stultz explained that it was a zoning case where the Council at the last meeting initiated the three lots on Decatur Street. She advised that the request was to rezone the three parcels from R-6 to R-4. She noted that both R-6 and R-4 were high density residential districts. She explained that the parcels in question were part of the Flint Hill Community Development Block Grant area. She said that they were some issues with at least one of the properties that made it a good thing as far as the Planning Board was concerned and her recommendation was to rezone it in case the house had to be demolished and replaced. She noted that it was a good sound zoning decision based on the fact that there was R-4 all around it. She asked if anyone had any questions.

Mayor Price thanked Ms. Stultz and inquired if there were any questions from the Council Members. He advised that the floor was open and inquired if anyone wanted to speak for or against the zoning map amendment. As there was no discussion, Mayor Price declared the public hearing closed.

A motion was made by Council Member Grogan seconded by Council Member Gover to approve the request as recommended by the Planning Board. All Council Members voted in favor of this motion. The motion carried.

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Mayor Price inquired if the motion would include the following ordinance.

Mr. Medlin answered that they would have to vote separately.

- (a-1) Consideration of ordinance rezoning property at 417, 421, and 425 Decatur Street from Residential-6 to Residential-4. ZONING CASE Z-02-11

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

MONTHLY FINANCIAL REPORT:

- (a) Financial Report.

Mayor Price advised that the report had been presented by Mrs. Ford. He noted that it was very well drawn out and had given the Council some percentages of where expenditures and revenues should be at this time of the year. He advised that where they had not met those targets, she had given some rationale as to why they had not. He stated that where they had gone over, she provided that rationale. He said that she continued to give them a good portrayal of the city's finances and an explanation of where they were at that time.

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

REQUESTS AND PETITIONS OF CITIZENS:

Mr. Aubrey Light, Boone Road, stated that he and his wife had a petition together. He advised that going throughout the neighborhood they encountered stories about traffic being heavy and speeding and the near accidents that they had going in and out of the driveway. Mr. Light said that he thought a reduction in the speed limit would be well advised.

Mayor Price inquired if he was talking about Boone Road.

Mr. Light answered that he was, as well as Highland and Glovenia. He noted that it seemed like everybody had a horror story, so to speak. He advised that in pulling into the driveway of his home he had been passed on the right numerous times on the two lane road. He stated that any reduction in the speed limit would be, in his opinion, well advised.

Mayor Price thanked Mr. Light for his comments.

UNFINISHED BUSINESS:

- (a) Consideration of appointment to Planning Board.

Information provided to Council explained that the Planning Board currently has an ETJ vacancy.

Mayor Price noted that the Planning Board had a representative from the city's extraterritorial area to represent the people in the extraterritorial area. He noted that they had a nominee, Rebecca R. Shomali of 191 Fireman Club Road. He stated that she was an independent business person who had a business on the Boulevard in Eden. He said that she had been very active to participate in city affairs. He stated that he would like to give consideration of the appointment to Ms. Shomali for the Planning Board.

A motion was made by Council Member Tudor seconded by Council Member Grogan to appoint Rebecca Shomali to the Planning Board. All Council Members voted in favor of the motion. The motion carried.

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b) Consideration of potential extension of ETJ.

Information provided to Council explained that the City Manager and City Council asked that the Planning Board make a recommendation for a potential expansion of the City of Eden's extraterritorial area. Earlier this year, the city amended the jurisdiction of its nuisance, condemnation, junk motor vehicle, human habitation standards and non-residential maintenance codes to include the ETJ.

According to NC General Statutes any city may exercise powers given under the authority of Article 19, Chapter 160-A including zoning, subdivision, water supply watersheds, flood damage prevention and local codes as mentioned above within a defined area extending not more than one mile beyond its corporate limits. With the permission of the County Commissioners, the City of Eden may extend its limits up to two miles due to having a population greater than 10,000 but less than 25,000.

At the time of the original adoption of the ETJ, Rockingham County was not involved in land use regulations to the degree that they are now. Therefore, in 1979, the City of Eden could decide without permission from the County to establish an ETJ.

The ETJ is important to the city as it grows and develops. Particularly now due to the large scale annexation study now underway.

Mayor Price explained to those in attendance that the ETJ was the city's extraterritorial jurisdiction. He stated that it was the area around the city limits. He asked Ms. Stultz for her comments.

Ms. Stultz advised that they had discussed it both at the Planning Board level and with the Council several times. She then referred to a map outlining the areas. She explained that what was proposed and what the Planning Board recommended in favor of, was to extend the ETJ to include all the areas now under consideration for annexation, plus a fairly large area on the south side of the Dan River, and the area that bordered the state of Virginia which would get the city a little more in line with how state law said they were supposed to draw the ETJ.

Mayor Price inquired if this would continue on with a continuing program that was going on presently with annexation and extraterritorial.

Ms. Stultz answered that it was a part of that. She said what they would do from there, should the Council decide to make the recommendation, would be to make a request to the County Commissioners and ask their permission to extend those areas. She said they would then do them in a systematic way. She stated that she would suggest starting with the southern areas and around Harrington Highway. She explained that what they had to do when they extended the extraterritorial areas was like original zoning, they had to do a land use study and make a decision about what the zoning was going to be for everybody in those areas. She said it would probably be bigger than they wanted to tackle all at once so they would do it in chunks, should the Commissioners decide to allow them to do it.

Ms. Stultz explained that in 1979 when the original ETJ was established, Rockingham County was not doing zoning and subdivision regulations so the city of Eden could choose to have an ETJ simply because it wanted to and was going to provide those services. Ms. Stultz stated that since they provided all that now, the only way to extend it was with the Commissioner's permission.

A motion was made by Council Member Grogan seconded by Council Member Tudor to move forward with this, adding that they move forward with the southern portion to be requested of the County Commissioners that the city extend the extraterritorial district by no more than a mile.

Mayor Price inquired if the motion was to include all of them, but to begin with the southern to which Council Member Grogan answered it included all of them, but to begin with the southern portion.

Council Member Myott asked Ms. Stultz how long after they began with the first one did she think the other ones would be worked in.

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Ms. Stultz answered that they would have to send certified mailings and call public hearings, etc., for the first wave. She said it would probably take them two, three, four months to make that happen. She explained that they would then start with the next area they approved, do the land use, make the recommendations. She said it worked just like a zoning case, but everybody had to be notified.

Council Member Myott asked if one would be completed before they began another.

Ms. Stultz replied that yes, that would be her recommendation.

Council Member Gover asked Ms. Stultz to point out what that encompassed in the southern district. In addition, Council Member Myott asked for Ms. Stultz to also point out the north (section).

Ms. Stultz stated that Glen Farms, Quesinberry Road and along the river, those areas that were basically vacant and then the way the ETJ was established at the moment, the city of Eden did not have land use control on either side of Harrington Highway. She said the jurisdiction was five hundred feet off the northern side. She stated that what that would do was promote the city having land use control around their own loop. She advised that in the area of National Textiles and Gant Road a way, it was just some area there toward Cascade Road that was sort of in a black hole. She noted that the county had to travel all the way across the city's jurisdiction to pick that up. She said that if they would look at how the lines kind of arced across there, the statutes for ETJ said they were supposed to tie it to landmarks like the state line or something like that, rather than just cross properties that way. She said that out in the area, it extended to include Roberts Road, some of that area, and to sort of square off the city's jurisdiction in the Price Road area. She noted that just what was in yellow (on the map) was what they were proposing to extend in the ETJ. She said that a good portion of the areas the Council was considering for annexation was already under the city's land use control.

Council Member Gover inquired what kind of money, down the road, this would cost Eden.

Ms. Stultz answered that she guessed what he was asking was if she would have to have more staff to take care of the ETJ.

Council Member Gover replied legal fees, etc.

Ms. Stultz answered that they did not anticipate having to have more staff. She advised that the vast majority of the area was either farmland or developed out neighborhoods. She said there were some areas in there where there would be some development. She stated that once this came into ETJ the city would get all the revenues for building permits.

Council Member Grogan stated that he thought the biggest thing to point out was that this was extending the extraterritorial district. He advised it was nothing as far as that awful word, annexation.

Ms. Stultz replied not at all. She advised that she thought it allowed the Council to do a better job of protecting the entrances to the community and the jurisdiction.

Council Member Vestal asked if the area would include all city enforcement codes so they would be regulating those areas once they were taken in to which Mrs. Stultz replied, exactly.

Mayor Price inquired if there were any other questions. He advised the motion was on the floor and had been seconded.

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

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c) Consideration of Traffic Study of Boone Road to reduce the existing posted speed limit to twenty-five (25) miles per hour.

Information provided to Council explained that the Police Department had conducted a survey of the proposed area in question to reduce the existing posted speed limit from thirty-five miles per hour (35 mph) to twenty-five miles per hour (25 mph). Currently, the posted speed limit is twenty-five miles per hour from Bridge Street to Reeves Street, and then it converts to thirty-five miles per hour the remaining length.

Boone Road is a main corridor that feeds traffic to the north and west sides of town. It is also used by truck traffic making deliveries in the area that has textile industry and other various types of commercial businesses located as well. Sergeant Griffin indicated that the existing speed limit is applicable to handle the volume of traffic utilizing this street. There have been 32 traffic accidents on this street over the last five years. Most of the accidents have been intersectional or in close proximity to them. Reducing the speed limit would cause further congestion in the traffic flow and would increase the anxiety level in drivers, therefore; increasing the risk factors that could affect the number of traffic accidents on this street. In addition, it is primarily a residential area, but there are thirteen businesses located on this road also. This only supports the theory that a large number of residents will use this corridor to patronize their business; as well traveling from the west or north side of town on this thoroughfare. Sergeant Griffin's recommendation was that the city not change the posted speed from the existing level, due to this being a main corridor, and is heavily traveled each day.

Mayor Price stated that the Council Members had seen the study as presented by Sgt. Griffin. He asked if there were any comments.

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

Council Member Tudor said he understood the motion to be to deny Mr. Light's request. Council Member Gover replied that was due to the study that was given to the Council in an update by the City Manager that it was not justifiable in any portion.

Council Member Tudor explained that they had made some requests of the North Carolina Department of Transportation. He advised Ms. Stultz to share with the Council some of the requests that were made and said he would have another comment after that.

Ms. Stultz stated that last week several members of the staff had met with Doug Gallion, who was the NCDOT board member, Mike Neal of NCDOT, and John Hunsinger. She advised that among the things she had discussed with them, she had put in a request when the Lights first started discussing traffic issues on Boone Road. She stated that one of those was if DOT had the ability, and they did – it was just a matter of if they would do it for the city, to do a traffic study on Boone Road that would differentiate between passenger vehicles, commercial vehicles, trucks and cars. She said the other thing was to check and see if the noise could be alleviated by having the traffic light there at the funeral home at the intersection of Glovenia and Boone Road flash after about ten o'clock at night. She advised that Mr. Mills was supposed to get back with her about those things; however, she had not heard from him as of yet.

Council Member Tudor said he knew the Police Chief recommended that they not reduce the speed limit. He stated that he had some thoughts and was prepared that evening to make a motion that they reduce the speed limit from the intersection at Glovenia to where Highland Drive enters Boone Road. He advised that in previous conversations with Ms. Stultz, he did not want to do anything to pre-empt what they might get from the Department of Transportation. He explained that in other words, he did not want to mess it up.

Therefore, a substitute motion was made by Council Member Tudor seconded by Council Member Epps to table the item until next month when they had a chance to hear from the Department of Transportation and not do anything that might pre-empt what they might get from the Department of Transportation and then deal with that again.

Council Member Gover asked if the City Manager could read portions of his report to the Council on the update that showed justification for not passing the item.

Council Member Grogan stated that rather than the City Manager get into it, Sgt. Griffin had said, "I recommend we do not change the posted speed from the existing level due to the street being a main corridor and is heavily traveled each day."

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Council Member Vestal stated that he [Sgt. Griffin] was saying that it would increase the risk factors that could affect the normal traffic flow.

Mr. Corcoran said that he thought what they were alluding to was that in the packets there was a letter from Sgt. Griffin and he advised he would read portions of it.

“Boone Road is a main corridor that feeds traffic to the north and west sides of town. It is also used by truck traffic making deliveries in the area that has textile industry and other various types of commercial businesses located as well. I feel that the existing speed limit is applicable to handle the volume of traffic utilizing this street. Reducing the speed limit would cause further congestion in the traffic flow and would increase the anxiety level in drivers, therefore, increasing the risk factors that could affect the number of traffic accidents on this street. In addition, it is primarily a residential area but there are thirteen businesses located on this road also. This only supports the theory that a large number of residents will use this corridor to patronize their business as well as traveling from the west or north side of town on this thoroughfare. I recommend that we do not change the posted speed limit from the existing level due to this street being a main corridor and it’s heavily traveled each day.”

Council Member Tudor stated that again, he was asking that they table it so they did not pre-empt the answer to any of the requests they had made at the Department of Transportation. He said that they could then act on it next month favorably or not favorably. He emphasized that he was just asking that they not pre-empt what they might get from the Department of Transportation. He said he would also like to say that he lived in the neighborhood and the sixty plus individuals that signed the petition were his neighbors. He stated that he was trying to represent his neighbors there and he just asked their indulgence for thirty days.

Council Member Epps stated that what he understood by seconding the motion was that they were not trying to say reduce the speed limit, but if they did the flashing light and put the signs up that said “no thru trucks”, it might take care of the problem without reducing the speed. He said if they waited to see what happened with that, then it may save them that problem.

Council Member Gover said in his wording he was backing the police report not to reduce the speed. He stated that that was his motion.

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

Council Member Epps stated that he just wanted to say that they were not disagreeing with the report, but that they just wanted to get it right.

(d) Consideration of drainage: Washington and Henry Streets – NCDOT.

Information provided to Council explained that in the late 1990’s the City Council adopted a proposed plan for drainage improvements on Washington and Henry Streets. At that time, Mohawk raised concerns due to the fact that the drainage in this area feeds under their building.

City staff has been meeting with representatives of both NCDOT and Mohawk to find a solution to the drainage issues and Mohawk’s concerns. This is a project to be funded by the State.

Mayor Price advised that they could see the map as presented. He stated that this was an on-going problem. He said what the city was being asked to do was agree to the proposal that had been previously adopted by Mohawk, by the North Carolina Department of Transportation, and approved by the city staff.

Council Member Vestal stated that his only comment would be that the city still had a problem that they had always had coming off of Monroe. He noted that this would alleviate some of the problem on Henry but it would not do anything for the water problem.

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Mayor Price said right. He noted that there would be some proposals coming to eliminate that. He stated that this was for the Henry-Washington Street.

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

NEW BUSINESS:

a) Consideration of Spray Traffic Circle landscaping.

Mayor Price noted that they had a proposal that was written to Mr. Mike Mills, a Division Engineer. He stated that Mrs. Jean Harrington was with them and would like to make a comment on that. He said that he would like to say that, as everyone knew, Marianne Aiken was scheduled to be at the meeting and had been very active in it but was presently in the hospital. He stated that their thoughts and their prayers were to Mrs. Aiken. He said that she had just done a wonderful job to the community.

Mrs. Harrington stated that was part of what she was going to say, that Marianne was absolutely just so disappointed that she could not be there. She stated that she did not know if everyone knew what an asset Marianne Aiken had been to the community. She advised that Mrs. Aiken wanted so much to be there because she had been working on it for so long. She stated that Mrs. Aiken had so much interest in it, as they all did, but that Mrs. Aiken had been right up front with it and had been working so hard. She said that Mrs. Aiken wanted to be at the meeting so badly. She said that again, she hoped everyone realized that Mrs. Aiken was a person who worked for the city twenty-four hours a day, seven days a week, and she hoped that everyone appreciated what Mrs. Aiken did because she was a real worker and a real promoter of Eden all the time.

Mrs. Harrington advised that the Council should have copies of a letter written to Mike Mills with all the details about the Spray Traffic Circle, the landscaping, and the improvement there. She stated that if they would note in that letter, fifty years ago an attempt was made to do something with that traffic circle. She said that, of course, she was not involved at that time but a lot of people were interested in trying to do something with it at that time. She emphasized that it was fifty years ago. She advised that when she was first chairman of the Eden Historic Preservation Commission, they tried to do something to beautify the traffic circle. She noted that was in 1980. She said that for over twenty years an attempt had been made to beautify that area. She advised that now they had another opportunity and really could not let the opportunity pass by because twenty or thirty years from now, there might not be a lot of people who were fighting for the area the way they had fought for a very long time. She stated that the Historic Preservation Commission tried to do something about it twenty years ago and then it passed on to the Appearance Commission and there were always some reasons why they could not do anything to beautify it. She advised that there were questions as to whether or not trucks would run through the area anyway. She said there were always things that kept anything good from happening. She said now with that new bridge, and she guessed they all knew that the Department of Transportation was going to do a nice job on the bridge. She noted that it would not be just a way to get from one side of the river to the other. She said they were going to have nice architectural details. She advised that what they were asking was to have the support of the City Council to beautify that area. She noted that other areas of town had gotten little areas where landscaping had happened. She advised that Draper had some and the Leaksville area also had some. She said the Spray area really had not had anything and this was a wonderful opportunity to get some landscaping done. She advised that also they would hope that in that traffic circle they could put something like a fountain. She noted that they did not want anything, no tiered fountains, no statues, no angels or cherubs or anything like that. She said they wanted a very simple fountain and that could be done very easily. She stated that they were working, of course, with the Department of Transportation. She stated that they had the backing not only of the Eden Historic Preservation Commission, but also the Eden Preservation Society, the Appearance Commission, the Tree Board, and the Planning Board. She stated that they had gone before all of the boards and they all concurred that this was a wonderful opportunity to do some really nice things. She noted that it would be an area that they could really be proud of in Eden. She said that she thought it would show people who came here that they really loved their town

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and they wanted to do something nice there. She said that also she would point out that eighteen thousand vehicles passed that area a day so that was a lot of people who would see the area. She said that they really asked for the Council's unanimous, enthusiastic, and on-going support for the project.

Council Member Tudor stated that he was at the Planning Board meeting and either she [Mrs. Harrington] or Mrs. Louise Price described the fountain, which was basically water that would go up from a very low area, maybe ground level area. He said that if anyone were concerned maybe about an automobile losing control and going through the traffic circle, there would not be a structure there that would possibly endanger somebody's life or something the city had to spend a lot of money to replace.

Mrs. Harrington noted that it certainly would not obstruct anybody's vision either.

Council Member Tudor said that it would not obstruct anybody's vision.

Council Member Grogan asked Mrs. Harrington if she foresaw the project costing the citizens or the taxpayers, coming back and asking the city for money.

Mrs. Harrington answered that they were trying to get all of it done. She asked Council Member Grogan if he was referring to . . . to which Council Member Grogan stated that he was talking about the taxpayer's of Eden. He asked Mrs. Harrington is she was going to be back there asking the Council for \$50,000, \$20,000, \$100,000. He said they had asked that before and he was just asking a question.

Mrs. Harrington stated that no, they were trying to get private money to take care of the building.

Council Member Gover said that he echoed Council Member Grogan's same question because some of what we have in mind may not come cheap.

Mrs. Harrington replied yes, but they were not going to ask the Council for money for the fountain or for the landscaping. She stated that the Department of Transportation could do some of this, and they had already contacted the American Chemical Society. She stated that they might remember a couple of years ago when they came to commemorate the Union Carbide founding of that company. She said that they had contacted some of those people, and they might be able to put them onto some business that could help them with some funding.

Council Member Vestal asked when after they got the original fountain, if there were any plans to do the maintenance. He inquired who they would look to for the maintenance.

Mrs. Harrington stated that they may have to ask the city for some maintenance.

Council Member Myott addressed Mrs. Harrington and said that she thought she was talking about something that would be a long way down the road because, as Mrs. Harrington had previously mentioned to her, the bridge on Hwy 87 came way before the bridge they were talking about. She said that she doubted if any of them (since it would be years from now) would be making any decisions on that anyway.

A motion was made by Council Member Grogan seconded by Council Member Myott to enthusiastically support the recommendation with the stipulation that the city not spend taxpayer's money.

Council Member Epps stated that in the motion, he thought they would, like any other project, like in Leaksville, trim up a bush, but no major investments.

Mayor Price advised Council Member Epps that he would have to second the motion.

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Council Member Epps also seconded the motion. He advised that he thought they would have some responsibility to do some trimming up because they did for all the other monuments they had.

Council Member Grogan stated that he would like for the clerk to underline minimum to which Council Member Epps replied that was good. Council Member Grogan replied they might at a later date need a legal opinion as to minimum.

Mayor Price inquired if everyone understood the motion as presented.

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

Mayor Price thanked Mrs. Harrington for her continuing efforts in the City of Eden. He noted that as many people began to see the new bridge on Highway 87 south they would have an opportunity to see the sign that said "Leaksville Landing", which was one of the historic sites in Rockingham County. He said it probably was there because of the efforts of Mrs. Harrington.

Mrs. Harrington stated that all of them went back to the Hamilton Street bridge also so it would not be just one way to get from one side of the road to the other.

b) Consideration for legal action for property located at 999 S. Van Buren Road.

The memorandum to Council explained that the owner was given 30 days to appeal this action but had not done so.

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

c) Consideration of request for acceptance and dedication of Deer Path in The Oaks Subdivision.

The memorandum to Council explained that Pete Osborne, representing D.R. Development Corp., has requested dedication of the sanitary sewer collection system, waterline & storm drainage systems and street construction pertaining to the Deer Path extension in Phase One, Section Three, of The Oaks subdivision. The Engineering Department has performed the final inspection of the improvements and the infrastructure meets the requirements of the city to be dedicated. The Engineering Department has received the "as-built" drawings for the infrastructure improvements for Deer Path as of this date.

The dedication of this section should be contingent upon the receipt of a defects bond in the amount of \$12,000, as mentioned in a letter from Joe Stanley, former City Engineer, dated July 24, 2002.

Upon Council approval of this dedication, final acceptance will be granted and the one (1) year maintenance period shall begin on the infrastructure improvements.

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

d) Consideration of an ordinance to transfer the franchise agreement from Pennsylvania and Southern Gas Company to Piedmont Natural Gas Company, Inc.

A motion was made by Council Member Epps seconded by Council Member Reynolds to approve the request. All Council Members voted in favor of the motion. The motion carried.

e) Consideration of an amendment to the Resolution supporting Rockingham County's Highway Priorities of Inclusion in the Transportation Improvement Program of the State of North Carolina.

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CITY OF EDEN, N. C.

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

RESOLUTION
SUPPORTING ROCKINGHAM COUNTY'S
HIGHWAY PRIORITIES OF INCLUSION IN THE
TRANSPORTATION IMPROVEMENT PROGRAM OF THE
STATE OF NORTH CAROLINA

WHEREAS, The State of North Carolina Department of Transportation has requested public officials to submit preferences as to priorities of projects to be scheduled in the Transportation Improvement Program, add;

WHEREAS, Rockingham County is geographically the largest county in Division 7 with nearly 600 square miles, and;

WHEREAS, the primary concerns of local officials regarding transportation are first, the safety of our citizens using state and federal highways, and second, the adequacy of the roads which connect local areas to each other and to the region to accommodate existing and future demands and, third the opportunity to share in the economic prosperity of the region by improving the quality of the county's major routes, and;

WHEREAS, The Transportation and Committee and the Rockingham County Board of Commissioners believes that a good highway system is vital to the mutual benefit of all the citizens of Rockingham County.

NOW, THEREFORE, BE IT RESOLVED, that the City of Eden go on record as endorsing and recommending to the North Carolina Department of Transportation the published priorities for inclusion in the upcoming Transportation Improvement Program with the following alterations, and additions:

REGIONAL PROJECTS

CRITICAL NEEDS

- R-2413 – Set schedule and funding for construction and possible design build for widening multi-lane connector, on new location from NC 68 to US 220 and multi-lane US 220 to NC 68 for completing before 2007.
- *By connecting the northern portion of North Carolina and Southern Virginia to the Piedmont Triad Airport an opportunity exists to enhance the position of the airport as regional player in economic development in the Piedmont Triad Region and to link these counties to the economic opportunities provided by Fed Ex.*

URGENT REQUESTS

- R-2580 – Set schedule and funding for multi-lane connector of US 158 for engineering and construction from US 29 Bus. (Freeway Drive) to US 220 and connect to future I-73.
- R-2586 – Set schedule for US 158 for engineering and construction from US 29 at NC 14 to NC 62 in Yanceyville. Widen to multi-lanes.

The widening of US 158 from Winston-Salem to the Coast was one of the original projects in the Highway Trust Fund legislation. The completion of this project from the intersection of US 158 and US 220 to Yanceyville would help two counties that have suffered economic losses due to the decline of textiles and tobacco.

- R-4402 – Set schedule and funding for the widening of NC 14 from Meadow Road in Eden to US 220 in Virginia.

The widening of NC14 from Eden to Virginia will give an alternative route for truck traffic from Virginia to the eastern side of Greensboro thus providing a critical link, as the I-73 corridor is developed.

PRIORITY REQUESTS

- U-2524C Painter Boulevard – Set schedule and funding for construction and design build for Urban Loop (Section C) US 29 to US 70.
- R-2560 – Reaffirm support for the widening of NC 87 from Reidsville to Burlington.

COUNTY PROJECTS

URGENT REQUESTS

- U-3326 – Move up the schedule for the widening of US29 Business (Freeway Drive).
- Set schedule and funding for US Hwy 29 for engineering and construction from Greensboro to the NC/VA line to be retrofitted from a US Hwy to I-785.

SAFETY CONCERNS

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CITY OF EDEN, N. C.

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

- B-4622 – Move up the schedule for the replacement of Bridge No. 54 on NC 65 at Rock House Creek.
- B-4252 – Aligning of Island Drive (SR1169) with Lindsey Bridge Road (SR 1138) during reconstruction of Bridge No. 95 and Bridge No. 67 in Madison

FEASIBILITY STUDIES

- Harrington Highway Extensions North to Westerly Park Road and East to Quesinberry Road.
- Realigning of Chief Martin Road and Piedmont Drive and extending it to Island Drive in Madison.
- Stop Light feasibility study for intersection of Hwy 311 and Island Drive.

Mayor
Philip K. Price

Attest: Kim J. Scott
City Clerk

Council Member Grogan stated that he thought it should be approved but he also wanted to make a comment. He stated that under urgent requests talking about US 158 from Reidsville to Yanceyville, he did not see where that helped Rockingham County or the City of Eden one iota.

Council Member Epps stated that what was explained to him in the Rockingham County Economic Development meeting was that this would make Hwy 14 a thoroughfare and they go up 158 on down to Hillsborough. He advised it would cut a considerable amount of time out going to Raleigh.

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

f) Consideration of Resolution Authorizing the Sale of Certain Personal Property at Public Auction.

RESOLUTION AUTHORIZING THE SURPLUS OF CERTAIN PERSONAL PROPERTY AND SUBSEQUENT SALE OF SAID PROPERTY

WHEREAS, the City Council of the City of Eden desires to dispose of certain surplus property of the city:

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

1. The following property is hereby declared surplus to the needs of the city

1989 Ford Crown Victoria	Serial No. 2FABP72G1KX189596
1983 Oldsmobile Eighty-Eight	Serial No. 1G3AN69H4DM76085
1995 Pontiac Grand Prix	Serial No. 1G2WJ52M3SF226123
1991 Ford F250 Truck	Serial No. 1FTHF25H8MLA52301
1985 Chevrolet C10 Truck	Serial No. 2GCCC14N6F1192022
1995 Volvo Garbage Truck	Serial No. 4V2DKFMDXSN695196
1987 Amer. Road Leaf Machine	Serial No. W-8-74928080
1979 Amer. Road Leaf Machine	Serial No. W-91910180
1984 Giant Vac Leaf Machine	Serial No. 2H4917705
Antenna Cables with ½ cont.	Part No. PT600130NN (2)
In-line Lightening Arrestors	Part No. LAIL350 (11)
Antenna Cables with 7/8 cont.	Part No. PT900150NN(2)
Trailblazer Lease Line Emulators	Part No. T-LLX(2)
Antennas, 24dbgain directional	Part No. 910-4050 (4)
AC Power Supply	Part No. 640-3500 (4)
FXO Office Line Interface Card	Part No. 510-1007
Digital Card (7C) with radio	Part No. 510-3007

1994 Chevrolet 2500 Truck Serial No. 1GCFK24H7RE226553
(Provided it is released by the insurance company prior to sale and/or auction)

2. The City shall dispose of the property either through private sale and/or public auction, whichever is in the best interest of the city. The City Manager will have final authority in determining which type of sale is in the best interest of the city.
3. The terms of any sale and/or auction shall be cash or certified funds and all sale terms are final.
4. The city shall call notice of the private sale(s) and/or public auction(s) to be published in accordance with the North Carolina General Statutes.

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

5. The city reserves the right to reject any and all bids and/or offers received through private sale(s) and/or public auction(s).
6. Benny Sexton, Director of Municipal Services, is authorized to sell said surplus property through public auction(s) if it serves the city's best interest. Lori L. Ford, Director of Finance and Personnel, is authorized to sell said surplus property through private sale if it serves the city's best interest.
7. The city reserves the right to divide said surplus personal property into multiple sales and/or auctions.

Adopted this the 19th day of November, 2002.

City of Eden

s/Philip K. Price
Philip K. Price
Mayor

ATTEST:

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

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

(g) Consideration of Administrative Policies and Procedures in regards to the city's drug and alcohol policy.

The memorandum to Council explained that the Safety Committee, the insurance carrier, the HR staff and the City Manager have reviewed the Drug and Alcohol policy and made the appropriate revisions.

This policy should provide the city with reasonable assurances in regards to employee safety, the safety of city property and above the safety of the citizens who come in contact with the city work force.

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

Council Member Vestal said that he had a question for the city manager. He stated that when this came up in the Safety Committee meeting, there was a question on the people who were at risk drivers. He noted he did not see that change at all.

Mr. Corcoran replied that the only time right now was when someone was under reasonable suspicion. He said there was a provision in there that if they were under reasonable suspicion and they got tested, they would not be allowed back in the safety sensitive position. He advised that it had remained unchanged.

All Council Members voted in favor of the motion. The motion carried.

(h) Consideration of an application for license to operate a poolroom.

The memorandum presented to Council explained that Brenda Roberts and Thomas Lee have presented an application to operate a poolroom.

Mayor Price advised that they had received information from the Police Chief and from the Code Enforcement Department in regard to this. He told Chief Benthin that he understood that a permit to obtain an ABC license did not come to the City of Eden. He asked Chief Benthin if that was correct. He inquired if they applied directly to the state for an ABC license.

Chief Benthin answered that they would be notified though.

A motion was made by Council Member Grogan seconded by Council Member Reynolds for approval of this request.

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CITY OF EDEN, N. C.

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

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

(i) Consideration of Budget Amendment No. 5.

Budget Amendment #5	Account #	From	To	Amount
Water & Sewer Expenses				
Water Filtration				
Drought Mitigation Expenses	30-7120-19650	\$ -	\$154,000.00	\$154,000.00
Sewer Construction				
Emergency Repairs/Pump Station	30-8130-55002	\$250,000.00	\$ 96,000.00	\$(154,000.00)
				\$ -

Budget Amendment #5 is to appropriate monies to cover the Drought Mitigation expenses associated with the city's ongoing drought.

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

A motion was made by Council Member Tudor seconded by Council Member Vestal to approve Budget Amendment #5.

Council Member Gover asked if the monies that they had already spend toward it were in this. He asked if that was right and if that was what they were amending.

Mayor Price answered that it was correct.

All Council Members voted in favor of the motion. The motion carried.

(j) Consideration of application for extension of service for Glenn Farm Subdivision by Dan River Water.

Mayor Price explained that they could see the information as presented that Dan River Water by virtue of a prior agreement with the City of Eden asked the city for approval when they extended their water lines. He advised that the request had been presented by the developer in that area.

A motion was made by Council Member Gover seconded by Council Member Tudor to approve the application. All Council Members voted in favor of the motion. The motion carried.

(k) Consideration of Resolution for Main Street Downtown Revitalization Program.

RESOLUTION
SUPPORTING THE CITY OF EDEN'S
APPLICATION TO PARTICIPATE IN
THE NORTH CAROLINA MAIN STREET PROGRAM
R-2002

WHEREAS, interest in revitalizing the four downtown districts of Eden is of utmost importance to our elected officials, appointed officials, business leaders, citizens and an economically healthy and growing City of Eden; and

WHEREAS, the citizens owning property in the city's four downtown districts desire a proactive approach to downtown revitalization; and

WHEREAS, the North Carolina Main Street Program is dedicated to downtown revitalization of our state's small cities; and

WHEREAS, the City of Eden supports the Main Street comprehensive approach to downtown revitalization through a public-private partnership that stresses self-help and builds on the uniqueness and heritage of this downtown area; and

NOW THEREFORE, WE ASK THAT THE CITY COUNCIL OF EDEN:

1. Support the City of Eden's participation in the North Carolina Main Street Program, and

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CITY OF EDEN, N. C.

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

2. Authorize submission of an application to the State of North Carolina for designation of the City of Eden as a North Carolina Main Street City.

We ask that this be adopted this 19th day of November, 2002.

s/Philip K. Price
Philip K. Price, Mayor, City of Eden

ATTEST:

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

Mayor Price advised that this was a program that had been talked about a lot in the City of Eden. He asked [Director of Business Development] Mr. Mike Dougherty for his comments.

Mr. Dougherty stated that they were currently working on the application for the Main Street Program. He said that part of that application required a resolution from the City Council in support. He stated that they had developed separate resolutions for the various groups. He said that [City Planner] Debbie Galloway would talk about which groups she went to and their support of the program.

Mrs. Galloway advised that they approached the various boards and commissions of the city for support of the resolution. She stated that the Planning Board, the Tree Board, the Community Appearance Commission, and the Historic Preservation Commission had all endorsed the resolution and endorsed it unanimously. She advised that representatives of the boards and commissions were in attendance that night and she asked for those people to please stand. She explained that all of the groups believed that the application for the Main Street Program and ultimately, hopefully, the acceptance into the program would give more than just a facelift or a façade improvement to the downtown areas. She said it would also encourage business development in the areas and it would improve the overall economic health of the community.

Mr. Dougherty advised that also present were the heads of the merchant groups. He advised they had Gail Baucom, President of the Draper Village Association, Peggy Good, President of the Olde Leaksville Shopping District, and Becky Shomali, President of the Boulevard Merchant's Association. He stated that recently they found out that when Salisbury did the program they gained 1,100 hundred jobs in the downtown so it did help quite a bit with economic development.

Mayor Price thanked Mr. Dougherty. He thanked the representatives for coming, participating, and supporting the request for approval of the resolution by the city of Eden. He said he thought it was self-explanatory. He advised that it was the best opportunity that the city of Eden had in twenty years to participate. He stated that all the neighboring cities had participated in the program. He said it was a proven process.

A motion was made by Council Member Epps seconded by Council Member Gover for acceptance (adopt resolution).

Council Member Grogan asked if it was going to cost the taxpayers anything.

Mayor Price said that he felt like ultimately it would cost the taxpayers something.

Council Member Grogan asked what the property owners were going to put into it.

Mayor Price answered that he was sure the property owners would be asked to put something into it. He said this was one of those things they talked about the public good. He stated that they had to put the best foot forward to do the things. He said they talked about economic development, talked about jobs, talked about things that would make the people feel good about living in town. He explained that he thought this was a program that everybody who had ever touched it, ever been exposed to it, had said it had done good for their community.

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CITY OF EDEN, N. C.

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

Council Member Grogan said that he understood that. He stated that he [Mr. Dougherty] had mentioned Salisbury. He said that Salisbury had the Main Street Program, the first one in the state of North Carolina. He said that they set up a special tax district for each property owner and everybody participated.

Mayor Price advised that there were a number of different ways they could do that. He said they could have special tax districts. He stated that they did not have to go that route. He said to look at the community, Eden, we were one of the most unique cities in America if one thought about the different downtown areas. He said we have a unique system that was going to have special demands. He stated that he did not think one could say carte blanche, this is what we are going to do. He explained that he could not imagine a program of it's magnitude coming to the city and the city not spending some funds. He said he did think that in his mind from his experience with it, that the request of the city of funds would be very minimal as compared to what they would get in return. He stated that personally, he thought the city owed the downtown's something to steer them along. He said that we do everything we can but it was tough to make a dollar in the retail business now.

Council Member Grogan stated that he did not disagree as far as supporting the merchants in this community. He said that he thought here again they start spending taxpayer's money. He noted that he thought if it was going to be done it should be on some percentage basis of people helping themselves along with the city helping them. He said that he realized there were several different ways to approach it and it would be coming back, he assumed, to the City Council for some type of...

Mayor Price asked if they were just making the application to see if they got approved for the process.

Business Development Director Mike Dougherty advised that four cities would be approved this year. He stated that they knew that Hickory was one of the applicants. He noted that there was an initial investment that ran about \$4,000 but as it stated in there they would give program guidance, technical assistance, training workshops, and networking. He said that as they went into it they would find out that it was not funded but they provided all the assistance to get the type of revitalization that was needed. He stated that they would use their experience to try to work with us. He advised that of course, the individual property owners would be responsible for any type of grants or other types of incentives they should get. He said they would be working with the planning department to do that.

Mayor Price asked Mrs. Harrington if she had anything beyond that.

Mrs. Harrington stated that she just wanted to say she thought John was thinking about the tax on the individual property owner. She advised that it was over and above what the original plan was. She said that they had tried to do this twenty years ago and they did not have any staff that they could call on to help them put it into motion so this was something they had been trying to do for about twenty years. She advised that it had been highly beneficial for all the towns that had done it in the past.

Council Member Grogan advised that he did not disagree that at all. He stated that he was just saying if they were going to spend taxpayer's money, then the people, the businesses, or the property owners who were renting property, who were going to make a profit off of it, should participate also and have a special tax district.

Mrs. Harrington advised that that was over and above this. She said that was another, a step beyond just getting this started. She stated that the \$4,000 was just the initial.

Council Member Grogan stated that it was going to cost the city \$4,000.

Mrs. Harrington advised that some of that could come from some other sources.

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CITY OF EDEN, N. C.

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

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

(l) Senior Citizen Funding

A motion was made by Council Member Grogan seconded by Council Member Gover to approve the request for application.

Mayor Price explained that this had to do with general purpose funding for senior centers as there is in Eden. He stated that they had got this in the past and it had been explained that the funding would not be available. He advised that the city of Eden would get an opportunity to receive \$5,087 with a max from the city of \$565. He advised they had gotten these in the past and bought computers and a number of things for the senior centers. He advised that it had been very good for the city and Mr. Conner found out late this afternoon that the application had to be in tomorrow so it had to be added as it did not appear on the agenda.

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

CONSENT AGENDA:

- (a) Approval and adoption of Minutes – October 15, 2002.
- (b) Approval and adoption of a motion to hold a public hearing and to consider an ordinance for a zoning text amendment to amend Section 11.22(q) of the City of Eden Zoning Ordinance pertaining to carports in the front yard. ZONING CASE Z-02-12.
- (c) Approval and adoption of a motion to hold a public hearing and to consider an ordinance for a zoning text amendment to amend Section 11.22(c) of the City of Eden Zoning Ordinance to deal with infill development. ZONING CASE Z-02-13.
- (d) Approval and adoption of a motion to hold a public hearing and to consider an ordinance for a zoning text amendment to amend Section 11.22(f) of the City of Eden Zoning Ordinance to deal with flag lots. ZONING CASE Z-02-14.
- (e) Approval and adoption of a motion to hold a public hearing and to consider an ordinance for an amendment to Article 9, Section 3.3 of the City of Eden Subdivision Ordinance dealing with flag lots and paving standards. SUBDIVISION CASE S-02-04.
- (f) Approval and adoption of a motion to consider an ordinance for an amendment to Section 13.113 of the City of Eden City Code to reflect comparable paving standards to the subdivision ordinance.
- (g) Approval and adoption of an ordinance amendment regarding Water Restrictions.
- (h) Approval and adoption of an ordinance amendment Re: Sewer Use.

A motion was made by Council Member Epps seconded by Council Member Grogan to approve Consent Agenda items a-h (and Mayor Price noted that items b, c, d, e, and f (public hearings) be scheduled for January).

Council Member Grogan advised that he complimented Ms. Stultz on moving that to January.

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

VOUCHERS:

Mayor Price advised the Council Members to question the City Manager or Finance Director if they had a question regarding vouchers.

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CITY OF EDEN, N. C.

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

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. This motion carried.

Respectfully Submitted,

Kim J. Scott
City Clerk

ATTEST:

Philip K. Price
Mayor