

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, October 15, 2002 at 7:30 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meeting were as follows:

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

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.

He asked those interested in speaking to the Council (under Request and Petitions of Citizens) to please sign the sheet located at the door.

INVOCATION:

Mr. Jim Norman, Pastor, Northside Baptist Church, was present to give the invocation.

SPECIAL PRESENTATION - Sammy Gilbert:

Mayor Price explained that the City of Eden was a unique community. He said that he had noted on Saturday at the park opening that Eden was the grandest small community in the United States. He stated the city had a lot of things going for its citizens. He noted that Eden had four fire companies made of people who willingly gave their time and leadership to the community and who were called on continually seven days a week and twenty-four hours a day for things in the community. He stated that those people were leaders and people who had freely given of their time and leadership. Mayor Price noted

that as in all groups, there were people who came along and were individuals in their own right.

Mayor Price explained that there was an individual who had consistently shown his leadership to the City of Eden. He said this was a person who understood the mistakes of others and was very humble. He stated that the person had all the gusto in the world for the community. Mayor Price stated that he had many times seen the person's actions to make things happen that was good for the community. He said that the person would continue to do so for many years to come. He explained that there was a special presentation for the gentlemen.

At that time, Mayor Price invited Mr. Sammy Gilbert to step forward.

Eden Fire Chief Ronnie Overby advised that Mr. Gilbert started with the fire department in the town of Draper when he [Chief Overby] was two years old. Chief Overby noted that it had been a long time ago as he [Chief Overby] was now fifty-two. He explained that Mr. Gilbert had joined the department in February 1952. He stated that Mr. Gilbert had been a fireman for over fifty years. He explained that he had an award to present to Mr. Gilbert for his fifty years of dedicated service to the Draper and Eden Fire Departments.

Chief Overby noted that a representative of the Eden Fire Auxiliary was present to also make an award. He explained that Eden had a great auxiliary that would get up in the middle of the night to come to fire scenes with coffee and sandwiches. He explained that one night the fire department was practicing on a house doing an urban renewal and some of the auxiliary members had made bagged luncheons for the firemen. He noted that he found his name written on a bag with an egg salad sandwich inside. He stated that Mr. Gilbert had said that he would be glad when he became important enough to have his name on bag.

Mr. Gilbert was then presented a bag with his name on the outside filled with cookies and a sandwich.

Mr. Gilbert responded that he appreciated what had been done for him. He advised that if he was needed anytime after December 31st, he would be available.

#### ADDITION OR DELETION TO AGENDA:

Mayor Price asked if there were any items to add or delete from the agenda. As no one responded, he stated that the agenda was set as published.

Mayor Price stated that City Manager Brad Corcoran had asked that the following items be removed: New Business section: Item c; Old Business: Items f and g; and Consent Agenda, Items e and f.

#### 4. PUBLIC HEARINGS AND ADOPTION OF ORDINANCES:

a) Consideration of a zoning map amendment request to rezone property on Bridge Street from Business-Central to Business-General. Request submitted by James C. Adams, Sr. Agent for Bethel C. Smith and amended by the Planning Board to include

The memorandum presented to Council explained that at their regular meeting in September, the Council scheduled a public hearing to hear comments regarding a zoning map amendment request filed by James C. Adams, Sr., agent for Bethel C. Smith. The request was to rezone property on Bridge Street from Business-Central to Business-General.

The Planning and Inspections Department recommended approval of the map amendment request as amended to include two additional properties. At their August regular meeting, the Planning Board voted unanimously to recommend that the City Council approve this request as amended.

Mayor Price called for the public hearing to hear comments on the case and he asked Planning Director Kelly Stultz for her comments to the City Council.

Ms. Stultz stated that the department recommended approval of this request as amended. She advised that the Planning Board voted unanimously to do so as well. She explained that the request was to rezone a parcel containing fifty-one hundred square feet located at 536 Bridge Street from Business-Central to Business-General. She advised that the 1977 Land Development Plan recommended commercial development for the property. She noted that earlier in the year the City Council had recommended rezoning a large area located adjacent to the subject parcel to Business-General. She stated that changes had been made to encourage use of existing commercial buildings. She advised that the property was part of the small business district located to the north of the old Leaksville downtown area. She stated that it had contained several commercial establishments over the last few decades. Mrs. Stultz explained that Business-General was the most liberal of the city's business zoning districts and allowed intense retail and commercial establishments. She stated that the staff was of the opinion that the Business-General Zoning would be appropriate for the subject parcel but the subject parcel could not possibly be changed without amending the application to include parcels 0747 and 1661. She said the staff recommended approval of the request to include the two parcels

Council Member Vestal inquired if all the people in the area were contacted to which Mrs. Stultz replied that they were.

Mayor Price inquired if anyone wanted to speak for or against the zoning map amendment.

Rev. Calvin Adams of 210 N. Hamilton Street advised that he represented Mrs. Smith, who was desiring to rent the property for mechanical work. He stated that as the zoning was presently, that type of work was not covered. He explained that it was the reason he was requesting the rezoning.

Mayor Price asked if anyone else wanted to speak in favor or opposition to the zoning map amendment.

As no one came forward, Mayor Price declared the public hearing closed. He asked the Council for their decision.

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

(a-1) Consideration of an ordinance rezoning property on Bridge Street from Business-Central to Business-General. ZONING CASE Z-02-06.

A motion was made by Council Member Tudor seconded by Council Member Myott to adopt the above ordinance. All Council Members voted in favor of the motion.

b) Consideration of a zoning text amendment request to amend the City of Eden Zoning Ordinance concerning sign regulations amending Section 11.31 Signs, 11.29 Definitions, 11.24(a) R-S Signs, 11.24(a-1) R-20 Signs, 11.24(b) R-12 Signs, 11.24(b-1) R-12S Signs, 11.24(c) R-6 Signs, 11.24 (c-1) R-6S Signs, 11.24 (c-1) R-4 Signs, 11.24(3) O&I Signs, 11.24(f) B-C (2) Conditional Uses, Paragraphs 1,3, and 5, 11.24(g) B-G (2) Conditional Uses, All, 11.24(h) B-N (1) Permitted Uses – Signs Accessory, 11.24(i) BH-1 (1) Permitted Uses, Signs Accessory, 11.24(j) BH-2 Permitted Uses, Signs Accessory, 11.24(k) B-SC (5) Permitted Uses, Signs, 11.24(l)(1) Permitted Uses, Signs and the addition of 11.24 (g) to create an Outdoor Advertising Overlay District. Request submitted by the City Council. ZONING CASE Z-02-06.

The memorandum presented to Council explained that at their regular meeting in September, the Council scheduled a public hearing to hear comments regarding a zoning text amendment filed by the Council. The request was to amend the City of Eden Zoning Ordinance concerning sign regulations amending Sections 11.31 Signs, 11.29 Definitions, 11.24(a) R-S Signs, 11.24(a-1) R-20 Signs, 11.24(b) R-12 Signs, 11.24(b-1) R-12S Signs, 11.24(c) R-6 Signs, 11.24(c-1) R-6S Signs, 11.24(c-1) R-4 Signs, 11.24(3) O&I Signs, 11.24(f) B-C (2) Conditional Uses, Paragraphs 1,3, and 5, 11.24(g) B-G (2) Conditional Uses, All, 11.24(h) B-N(1) Permitted Uses – Signs Accessory, 11.24(i) BH-1(1) Permitted Uses, Signs Accessory, 11.24(j) BH-2 (1) Permitted Uses, Signs Accessory, 11.24(k) B-SC(5) Permitted Uses, Signs, 11.24(l) I-1 Permitted Uses, Signs and the addition of 11.24(q) to create an Outdoor Advertising Overlay District.

The Planning and Inspections Department recommended approval of the text amendment request. At their September regular meeting, the Planning Board voted unanimously to recommend that the City Council approve this request.

Mayor Price noted that this was referred to in the agenda under Public Hearings and Adoption of Ordinances as Item b. He asked if anyone had any questions about the

ordinance and its location. As there were no questions, Mayor Price declared a public hearing to hear comments on the case. He asked Ms. Stultz for her comments.

Ms. Stultz advised that this was an amendment that had been worked on for a long time. She stated that the Council had passed the text of the amendment the previous month with one amendment suggested by Council Member Vestal. She advised that City Attorney Medlin, City Planner Debra Galloway, and she had been working hard to try to get the amendment in the most appropriate form and that was the reason the amendment was back before the Council. She explained that it was not to change the substance of anything but simply to get the codification correct.

Mayor Price inquired if there were any question for Ms. Stultz.

Council Member Reynolds asked if the amendment would grandfather the signs that were already there.

Ms. Stultz inquired if Council Member Reynolds was referring to a sign that was too big.

Council Member Reynolds answered that he was.

Ms. Stultz replied yes sir, as they did not do anything with the amendment that they proposed to the Council to amortize signs. She stated there had been some court cases about it that had been tricky.

Mayor Price thanked Ms. Stultz and inquired if anyone wanted to speak in favor or opposition of the zoning text amendment request.

Chief Overby stated that he understood at the last meeting what Council Member Vestal was referring to by the measurement of the building and the square footage. He asked if when a sign was placed on the front of a building, if the amendment would regulate how large a sign on the side of the building would be. He explained that the front of the building may be small and then run long ways.

Ms. Stultz answered that one of the things they had tried to do had been to accommodate that. She stated that the ordinance was very specific in how it regulated that. She said that she was sure that Chief Overby was questioning a building that his wife had a business in on Washington Street. She noted that the front of the building was small and they would be able to get a sign onto the side of the building as long as they did not go over the maximum square footages.

Council Member Vestal stated that it would be ten percent of the side of the building.

Ms. Stultz answered that it would be ten percent of the side of the building.

As there were no questions or comments, Mayor Price declared the public hearing closed and asked the Council for their decision on the zoning text amendment request.

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

(b-1) Consideration of an ordinance amending the City of Eden Zoning Ordinance regarding sign regulations. ZONING CASE Z-02-06.

A motion was made by Council Member Grogan seconded by Council Member Reynolds to adopt the ordinance amending the City of Eden Zoning Ordinance (regarding sign regulations). All Council Members voted in favor of the motion.

c) Consideration of a zoning map amendment request to add an Outdoor Advertising District to Highway #14 (Van Buren Road) north and south beginning at Fisher Hill Road (north) and ending at the Dan River (south). Request submitted by the Planning Board. ZONING CASE Z-02-10.

The memorandum presented to Council explained that at their regular meeting in September, the Council scheduled a public hearing to hear comments regarding a zoning map amendment request filed by the Planning Board. The request was to add an Outdoor Advertising Overlay District to Highway #14 (Van Buren Road) north and south beginning at Fisher Hill Road (north) and ending at the Dan River (south).

The Planning and Inspections Department recommended approval of the request. At their September regular meeting, the Planning Board voted unanimously to recommend that the City Council approve this request.

Mayor Price called for a public hearing to hear comments on the item. He asked Ms. Stultz for her commentary.

Ms. Stultz explained that a part of the ordinance that the Council had just adopted made a requirement for there to be created an Outdoor Advertising Overlay District. She stated that it meant it would be the only area that new billboards would be allowed to be erected in. She said that in order to do that, one would have to be taken down from somewhere else because the Council had also made the decision that there would be no more than twenty-four. She stated that they had pretty much designated the area where billboards predominately are now and what is the traveling business area. She advised that the Planning Board had endorsed this unanimously.

Mayor Price thanked Ms. Stultz and inquired if anyone had any questions for Ms. Stultz.

He stated that there were some there who wanted to speak in favor or opposition to the district.

Ms. Ruth Fain of 367 Fisher Hill Road advised that she was opposed to the amendment or consideration of it because of the billboards. She stated that when one came into Eden, they saw the gentle rolling hills and a beautiful sign on [Highway]14 that said, "Welcome to Eden." She said that she thought it would be very detrimental to have the signs there.

She stated that she did not see where it would benefit anything at all. She explained that as people come into Eden, they got their first impressions of the area. Ms. Fain advised that she had lived enough places to see billboard signs and the harm that they can do to an area. Ms. Fain pointed out that there were already twenty-four signs in Eden, as Ms. Stultz had indicated. She stated that she did not feel there were any needed on [Highway] 14, as in her opinion that would be cluttering. She said that she thought it would be an eyesore to see it there. She advised that she lived in the county and was considered county. She stated that they did not want all that clutter of Eden city business. She stated that she felt like if they did that, she had no rights at all as far as she could oppose. She said that nothing was being done about it and she had lived there for twenty-seven years. Ms. Fain stated that they liked it just the way it was. She said that she lived above the old city park and loved the area. She stated that she was opposed to it.

Mayor Price thanked Ms. Fain and asked if anyone else would like to comment in favor or opposition to the plan.

Ms. Beverly Spence of 341 Fisher Hill Road advised that she was opposed to having the billboards there. She stated that there were already twenty-four in the city. She said that she was not against progress but as Ms. Fain mentioned, they did live out in the country and treasured the scenic beauty out there. She advised that on entering North Carolina from the Ridgeway, Virginia section of [Highway] 14, there were already billboards in place that were advertising city businesses. She stated that in fact, the one business at the Eden Mall that was no longer there, Best Burgers in Town, still had a billboard there. She said that a lot of the billboards were considered trash billboards and were not even for viable businesses. She stated that she did not know how much the city paid for the "Welcome to the City of Eden" sign at the ramp, but it was lovely. But going from there down the corridor to Aiken Road, there was not a billboard there and it was so lovely at any time of year. Ms. Spence stated that when one considered the different people from all over the country that came and visited the area from the Martinsville Speedway, their first impression of the county and city was through [Highway] 14 on that corridor. She advised that at this time of year, with the leaves changing, it was so magnificent. She stated that to have it cluttered by a sign, no matter how large or small, detracted from the beauty of the area. She said, as Ms. Fain had explained, they lived in the county and that was considered the country. She explained that they had no benefit from the city at that point but were within the city's two mile radius. She stated that she had not even had the benefit of voting for the Council, but yet the Council had a voice in what was basically going to be put in her backyard. She said that she just wanted to say that she was against it.

Mayor Price thanked Ms. Spence and asked Ms. Stultz if she had a comment.

Ms. Stultz stated that both she and the Planning Board had agreed that they did not want a plethora of billboards in the jurisdiction. She advised that the ordinance was very specific and anywhere close to a residential district or residence, they were not going to be allowed even now, even though the corridor was established. She stated that she thought the reason there were none up where they were at the interchange was because it was

zoned residential or there was a house close by. She advised that they basically established what was a good landmark and along the Highway 14 corridor because it was the city's busiest one. She stated that billboards would be precluded near residences presently just as they were previously because they could not put off premise signs in a residential district.

Council Member Vestal advised Ms. Stultz that she might also address the fact that if there were not one standing now, there probably would not be because someone would have to take one down to put one up.

Ms. Stultz stated that they would have to take one down somewhere else. She said that they knew it was not just twenty-four inside the city, but twenty-four in the entire jurisdiction which included the ones already in the ETJ.

Mayor Price asked Ms. Stultz to explain further exactly how that would happen.

Ms. Stultz stated that an inventory was done that established where all the billboards were in the community. She said they had them in the GIS system. She advised that what they knew was that any billboard that was outside of the corridor that the Council established, in order to put up a billboard in the legitimate area, the person would have to take a billboard down from somewhere else. She stated that there would never be more billboards than the city had presently, until some Council at some point changes an ordinance.

Council Member Vestal advised that he would like to make one more comment. He stated that if the ordinance were not passed, the people would be burdened with many billboards because presently there were no regulations and anyone wanting to put one up could. He explained that was the reason he was pushing to pass the ordinance so that the city could control but not to be detrimental to the people at the entranceways to the city. He stated that if they could control, there would not be anymore billboards there. He said that was why they were passing it.

Council Member Epps stated that his understanding was that they were doing it to limit anymore of those that had already slipped in.

Mayor Price inquired if there were any other comments for or against the proposal for the zoning map amendment request. As there was no further comments, Mayor Price declared the public hearing closed.

A motion was made by Council Member Vestal seconded by Council Member Gover to approve the request.

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



(c-1) Consideration of an ordinance adding an Outdoor Advertising Overlay District to property on Highway #14 (Van Buren Road) north and south. ZONING CASE Z-02-10.

A motion was made by Council Member Grogan seconded by Council Member Gover to adopt the ordinance (adding an Outdoor Advertising Overlay District to property on Highway # 14, Van Buren Road, north and south.

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

d) Consideration of a 2002 Local Law Enforcement Block Grant in the amount of \$17,818 with a match from the City of Eden in the amount of \$1,980. This public hearing is to receive suggestions and comments as to how the money should be spent.

The memorandum presented to Council explained that the Police Department has received a 2002 block grant (LLEBG) in the amount of \$17,818. With the match of \$1,980, the total is \$19,798.

Before the federal money can be drawn, the city is required to hold a public hearing to receive suggestions and comments as to how the money should be spent. There are seven Purpose Areas under which the money may be spent.

The Police Chief recommended that the funds be used for the purchase of equipment such as: tools for the SRT and SRT van, video cameras, an infrared camera, and a speed trailer. Needs may change in the future and it was requested that the Council remain flexible as to how the money was spent as well as any request for a purchase would have to be approved by the Finance Office and the City Manager.

Mayor Price called a public hearing to hear comments in regard to how the 2002 block grant should be spent in the city of Eden. He stated that there was a recommendation from the police chief that the money be spent for tools for the SRT, SRT van, video cameras, infrared camera, and a speed trailer. Mayor Price advised that the floor was open for any comment about how the grant should be spent.

Council Member Vestal cited the wording in last paragraph of the memorandum that read, "I request that you remain flexible as to how we spend the money once we have it" and inquired if it still had to follow the guidelines.

Mr. Corcoran answered that it did. He advised that any purpose that the money was spent for would have to fall under one of the seven purpose areas that was noted in the notebook.

Mayor Price said to note that an advisory board would have to be set up for review of the money.

Council Member Epps stated that he felt the Chief knew what he needed and he [Council Member Epps] agreed with the Chief.

As there were no further comments, Mayor Price declared the public hearing closed.

Mayor Price noted there was no action needed on this item.

#### MONTHLY FINANCIAL REPORT:

##### (a) Financial Report.

Mayor Price noted that the report had an addendum to it that had been distributed that day. He stated that as usual, Mrs. Ford had done an excellent job with her commentary explaining where the city was with regard to revenue and expenditures as it related to the time of the year. He said that Mrs. Ford did have an addendum, as handed out earlier, in regard to the cash flow statement. He asked if there were any questions.

A motion was made by Council Member Tudor seconded by Council Member Epps for approval of the financial report. All Council Members voted in favor of the motion.

#### REQUESTS AND PETITIONS OF CITIZENS:

##### a) Tamara Garcia – Animal Shelter Task Force

Mrs. Tamara Garcia of 141 Milbrook Drive greeted the Mayor and Council Members. She advised that she was a member of the county appointed Animal Shelter Task Force. She stated that she could stand there and give endless reasons of why building an animal shelter would not be just the right thing to do for Eden, but for the county. She advised that she had a two minute tape that would say everything very effectively.

Mayor Price advised that the tape would be very graphic. He stated that those in attendance who did not wish to see the tape were excused for the time period.

The video was viewed.

Mrs. Garcia stated that she would like to ask one of the Council Members to be a part of the task force as they looked into the countywide shelter. She noted that this would be pending approval of the County Commissioners. She advised that if someone did step forward and wanted to be a part of the task force and the Commissioners did not approve it at their November meeting, the Council Member would not be committed. She stated that they were trying to do it in a very timely basis. She advised that with the Commissioner meeting in November, the task force would not be meeting in December due to the demands on everyone. She stated that the task force would be meeting in January and they did not want to have to wait another month to have to go to the municipalities and seek people from their Council.

Mayor Price inquired if anyone on the Council wanted to serve on the task force.

Mrs. Garcia stated that if one found the video upsetting and did not step up to par, the tax dollars were going to do that. She said that there were no programs in the county and no matter how many animals killed per week, it would never outnumber the animals that were born in the county a week. She stated that a spay/neuter program was needed, as well as an animal shelter to educate people. She advised that an animal shelter was just a public service. She said that they were just asking the right thing from their local government.

Mayor Price asked how many animals were put to sleep a week in Rockingham County.

Mrs. Garcia answered that in Rockingham County in 2001, over three thousand animals were put down at a cost of \$86,000, just for the county alone. She advised that in 1997, medical services were over \$67,000 and in 2001 medical services were \$86,000. She stated that from 1997-2001, three hundred twenty-five fewer animals were put down, but the cost increased by almost \$20,000.

Mayor Price inquired about the numbers including the municipalities.

Mrs. Garcia stated that they did not have all the numbers from the municipalities.

Mayor Price asked if the information given had been for the county only.

Mrs. Garcia answered that it had. She advised it was very costly to the municipalities and to the county.

Council Member Grogan stated that he and Council Member Vestal had went to a meeting at his request. He said that the work that had been done and was being done appeared to be something that could happen that would be beneficial to Eden, as well as the county. He stated that everyone kept asking what he was going to do in his retirement. He said he would volunteer to do that.

Mayor Price thanked Council Member Grogan. He advised that it said a lot about Council Member Grogan, who had been on the Council for twenty years, to step up to the plate. He stated that it probably underscored the belief of everybody on the Council. He told Mrs. Garcia that she had pulled the struggle along for probably three, four, or five years and he thought that if everyone looked at the amount of money that was being spent annually in the municipalities and the county, it would be eye-opening for a lot of folks.

Mrs. Garcia advised that it would be. She stated that they were throwing money at a problem. She advised that the animal shelter was an investment. She said presently they were just throwing money out there, but with an animal shelter they would get results within six months of the animals that were picked up. She stated that there would be results immediately on public support and people's support. She advised that currently the tax dollars that were paid for county tags went back into the General Fund. She stated

that they were looking at it going back into the animal program. She advised that the monies generated from the citations written went back to the state because all of the municipalities citations were based only on the state's statutes. She stated that they had never really been expanded or detailed. She advised that the county ordinance was expanded and detailed from the state statutes; therefore, all of the money written on citations from the county went back to into the General Fund in the county. Mrs. Garcia said that the municipal units, because the ordinances were based on state statutes, that money goes back to the state. She noted that there was a lot more money to be made from it. She stated that an animal shelter affected public health, public safety, and public education. She said that they were the three largest slices of the economical pie. She advised that it would make a major impact in the county as it had in the counties that had incorporated it. She stated that all of the major counties in the state had animal shelters and had had them for long periods of time. She advised that Rockingham County was one of six counties in a state of one hundred counties that did not have an animal shelter.

Mayor Price asked if Rockingham County was one of six out of a hundred counties.

Mrs. Garcia advised it was. She stated that the county had experienced the death of a child here. She advised that people needed to be educated. She emphasized that children really needed to be educated because they should know to drop and freeze when an aggressive animal came upon them. She stated they had been very good about going in and teaching them in schools to drop and roll or crawl in a fire. She said that they should be going in and teaching them to drop and go into a ball if confronted with an aggressive animal. She advised that they should instinctively know what to do. She stated that they had not done any educational programs.

Mayor Price thanked Mrs. Garcia and thanked Council Member Grogan for his time for the task force. He acknowledged Sheriff Sam Page, who was in the audience, and thanked him for being present and for sponsoring the task force program. He acknowledged Mrs. Freeman and asked her to come forward.

Mrs. Freeman – Eden City Park:

Mrs. Freeman thanked the Council for letting her know that the decision for saving the Eden City Park would be made at this meeting. She advised that at the entrance on Highway 14, there were a lot of people coming from Virginia, Collinsville and Martinsville, just to visit the Eden City Park because of the scenic country view. She advised that she just wanted to note that. She stated that she did not have anything printed up due to the circumstances of family deaths that they had just recently. She thanked them again for notifying her and stated she hoped the decision went well.

Mayor Price thanked Mrs. Freeman and advised that it was the conclusion of the people who had asked to speak at this meeting.

## UNFINISHED BUSINESS:

Consideration of appeal on nuisance violation for S. Van Buren Road – Jill Brittni Evetts.

Information provided to Council explained that a nuisance was sent to the property owner of a lot on S. Van Buren Road owned by Jill Brittni Evetts. Just before the September City Council meeting, the Planning staff were told by the Evetts family that they were withdrawing their appeal. At that time they had made a significant progress toward cleaning and clearing their property. The item was pulled from the agenda.

The lots have not been completely cleared and therefore the appeal needs to go onto the agenda. Also, should the lot not be cleaned by that time, the Director of Planning & Inspections asked that if the Council denied their appeal that they authorize the department to spend up to \$3,500 to clear this lot.

Staff recommended that the appeal be denied.

Mayor Price stated that they had the information from Ms. Stultz on the appeal from Mrs. Evetts. He advised that Ms. Stultz's recommendation was that the appeal be denied.

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

A motion was made by Council Member Grogan seconded by Council Member Tudor to spend \$3500 to clear this lot and to be billed to property owner. All Council Members voted in favor of this motion. This motion carried.

b) Consideration of appeal on nuisance violation for S. Van Buren Road – Charles and Patsy Rumbley.

Information provided to Council explained a nuisance was sent to the property owner of a lot on S. Van Buren Road owned by Charles and Patsy Rumbley. Just before the September City Council meeting, the Planning staff were told by the Rumbley's that they wanted to table their appeal. At that time they had made significant progress toward cleaning and clearing the property. The item was pulled from the agenda.

The lots have not been completely cleared and therefore the appeal needs to go onto the agenda. Also, should the lot not be cleaned by that time, the Director of Planning & Inspections asked that if the Council denied their appeal that they authorize the department to spend up to \$9,500 to clear this lot.

Staff recommended that the appeal be denied.

A motion was made by Council Member Grogan seconded by Council Member Tudor to deny the appeal and approve the expenditure for \$9,500 for the clean-up (to be billed back to the property owner). All Council Members voted in favor of the motion.

c) Consideration of appeal on nuisance violation for 611 Prospect Street – Margie Ann Younker.

Information provided to Council explained that based upon a citizen complaint and staff inspection, a nuisance was sent to the property owner of 611 Prospect Street owned by Margie Ann Younker. Ms. Younker appealed the determination that there was a nuisance on her property. Staff recommended that the appeal be denied.

Mayor Price advised that he went by the address that afternoon and it appeared that Mrs. Younker was making an effort. He said he would like to ask that Mrs. Younker receive another month.

A motion was made by Council Member Tudor seconded by Council Member Epps to continue the nuisance violation for thirty more days.

Council Member Reynolds stated that he had rode by there that afternoon and it appeared that she had made some headway.

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

d) Consideration of proposal to sell air packs to the rural Fire Departments.

Information provided to Council explained that the chiefs of three rural fire departments have approached the Fire Chief Overby again about selling them the surplus SCBA's that the city has. Chief Overby has prepared the necessary information for the City Attorney and has received word that he has okayed the sale of these SCBA's if the Council approves. The City Attorney will prepare a form for the rural departments to sign to release the city from any liability. The breakdown of what would be sold is:

Leaksville Rural – Four SCBA's and three spare bottles

Spray Rural – Four SCBA's and three spare bottles

Draper Rural – Four SCBA's and three spare bottles

Fair market for these SCBA's would be \$350 each and \$75 each for the spare bottles. The Fire Chief was also assured that these SCBA's would still be available to the city through mutual aid.

Mayor Price stated that the recommendation from the fire chief was to sell the air packs to the Leaksville Rural, Spray Rural, and Draper Rural Fire Departments.

A motion was made by Council Member Epps seconded by Council Member Tudor to accept the recommendation of the fire chief.

Council Member Tudor stated that he would like to address the price. He stated that they were not experts in the fair price of fire equipment, and they wanted to be fair to the Eden Fire Departments and to the rural fire departments. He asked Fire Chief Overby to share the information that he had shared with him to the rest of the Council.

Chief Overby advised that they had talked to Mr. Bateman who sold the Drager Air Packs. He stated that Mr. Bateman felt that it was a fair price. He advised that that it was up to the Council whether to sell it to them at that price, more or less or whatever. He stated that his recommendation had been to get a fair market price and they had done so. He said they had tried to do this several times before but it would be up to the Council to price the air pack. He stated that he was using that as a fair market price from Mr. Bateman.

Council Member Tudor asked if in his discussions with fireman from Eden, volunteers and full-time, he found that the firemen thought the prices were fair.

Chief Overby advised that he had asked several of them and they felt that was a fair market price. He stated there were representatives from Leaksville Rural and Draper Rural that could be asked if the price was fair.

Council Member Tudor asked if there was anything else that Chief Overby could share with the Council.

Chief Overby stated that one of the Leaksville Rural Fire Officer's told him that if none of the other departments wanted them, Leaksville would take all twelve of them.

Council Member Grogan questioned if he was right that there was a willing seller and buyer and both agreed on the price.

Chief Overby responded that it was up to the Council to accept the \$350 recommendation or sell them for less or more.

Council Member Reynolds stated that he had a question for the chief. He advised that several years ago these had to replace them because they were not working right.

Chief Overby advised that they had been working right.

Council Member Reynolds questioned why they had to be replaced then.

Chief Overby stated that they upgraded but did not actually replace the air pack because they were not working. He stated that they had upgraded to a better air pack. He advised that the air packs were still usable, but they had upgraded their air pack to a lighter one for their firemen.

Council Member Reynolds stated that if one checked the records, they put them on the rural trucks and then pulled them off for legal reasons.

Chief Overby stated that it was because the former attorney said that he had read in the minutes that they were unsafe. He advised that he got the minutes to Mr. Medlin who read them. He stated that he preferred that Mr. Medlin tell how he suggested it be done.

Council Member Reynolds stated that he just did not want to sell them anything that would harm them.

Mr. Medlin stated that it was his concern as well. He advised that he got a copy of all the minutes and reviewed them to see what the proceedings were because the issue had come back up with him. He noted that from all the information given at the prior hearings, there were concerns as whether they were safe or not and why they were upgraded. He advised that OSHA standards had increased for newer productions and so the newer ones were purchased. He stated that the older ones still met standards and were still safe and still certified for reuse. He advised that there seemed to be some confusion over the fact that they were re-certified but did not meet OSHA standards. He stated that the last time this came before the Council, it was tabled to make sure the packs were still safe and would be certified. He advised that they were safe and were still being used but were surplus. He said they still had the ability to use them on agreement from the other stations. He noted that he had advised Chief Overby that if they were sold, they should be sold for fair market value. He stated that he found nothing in the minutes to prohibit it and that they still were certified usable. He noted that when the departments purchased them, they would sign an agreement holding the city harmless. He advised that his concern was that they met OSHA standards when they were manufactured and since OSHA standards had changed for newer packs.

Chief Overby advised that the way it read the three rural departments did not fall under the same standards. He explained that volunteer departments did not fall under the same strenuous standards that a municipality did.

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

#### NEW BUSINESS:

a) Consideration of assistance policies for Duke Home Energy Grant and Urgent Repair Program.

Information provided to Council explained that they would find attached to their memorandum assistance policies for the Duke Home Energy and Urgent Repair Grants. These are two grants that are a part of the revitalization program now underway for Flint Hill. These grants are administered just like the Single-Family Rehabilitation (SFR) Program and use the same forms for policy documents. The documents attached are identical in substance to the Assistance Policy for the SFR that was adopted earlier in the year.



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

b) Consideration of declaring certain city properties as surplus properties.

Information provided to Council explained that the Planning & Inspections Department has commissioned appraisals on the old City Hall campus and for the park property on Highway #14 North. The Council was asked to declare the old City Hall campus, park property, the lot at the corner of Lawrence and Flynn, Mildred's Kitchen property on the Boulevard, and the lot at the corner of Moir and Reeves as surplus and permit the city to advertise them for sale using the sealed bid option.

Mayor Price stated that he would like to see the city keep an easement on the park property along the river for future use for recreational users.

Council Member Tudor advised that he was going to ask the same thing. He said he would like to see the city go ahead and sell everything they had listed but to revisit the park issue for the purpose of maintaining an easement or maintaining a portion of the park to have access to the river for possible future recreations uses. He advised that it was a valuable piece of property. He stated that [Business Development Director] Mike Dougherty might want to comment on some possible uses that he had envisioned there that could be helpful to the Eden economy.

Mr. Dougherty stated that there had been established for lack of a better term, an a music vision committee. He advised that they were looking at doing different types of events with one of those being a fiddler's convention, set up for the third week in September. He stated that it was estimated the convention could bring up to ten thousand people in the area. He advised that there were some logistical problems as in where they could put that many people. He stated that the people who came to the musical events tended to bring RV's and congregate amongst each other. He noted that they had looked at the fairgrounds and had also talked about the area of the city park if there were multiple events. He explained that the plan was to use many different venues to bring people into the city. He advised that the park area, plus the river access there could be a possibility. He stated that with the river access on Hamilton Street, it would help a lot with festivals. He noted that there had been a lot of talk about the access at the park area also. Mr. Dougherty stated that those were the two areas that they were concerned about and it all fed into the economic development and tourism aspect of the city.

Mayor Price asked Mr. Medlin to explain the easement and if that portion could be worked out.

Mr. Medlin stated that the city, when advertising the selling of the property, they could advertise that it could be sold subject to the easement. He noted they were talking about retaining an easement along the river plus the right of access from the roadway back to there for recreational purposes. He stated that yes, it could be done. He advised that he had not seen a map of what area it would encompass but that all that could be worked on.

A motion was made Council Member Grogan seconded by Council Member Tudor to accept the recommendations (declare the properties old City Hall campus, the lot at the corner of Lawrence and Flynn, Mildred's Kitchen property on the Boulevard, and the lot at the corner of Moir and Reeves as surplus and permit the city to advertise them for sale using the sealed bid option.) with the exception of the city park. He advised they should take that out and do some good hard looking instead of jawboning as to what to do with it.

Council Member Vestal asked City Manager Brad Corcoran if there was anything radio wise that needed to be moved from the old city hall campus before it was sold.

Mr. Corcoran answered that everything had been moved. He advised that there were two items that still needed to be moved and there was an agreement with the contractor to move them. He advised that everything would be moved by the time it was sold. He asked Chief Benthin if there was anything else there.

Mayor Price asked Chief Benthin if there was anything there other than the generator. He asked Chief Benthin and Chief Overby to come forward so any response would be recorded.

Council Member Grogan then replied that he would assume that the department heads and the city manager would make sure that the city had what they needed before they sold the properties.

Mayor Price stated that it was included in Council Member Grogan's motion. As there were no further questions:

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

c) Consideration of Washington Street Drainage Resolution.

This item was pulled from the agenda.

d) Consideration of initiating map amendment and calling public hearing for three (3) lots on Decatur Street (417, 421, and 425).

Information provided to Council explained that as part of the Flint Hill revitalization program there are three lots on Decatur Street that are now zoned Residential-6. These lots contain structures that may have to be removed and replaced with new residences. In order to facilitate these improvements, the Planning & Inspections Director would like to ask the City Council to initiate the zoning map amendment and call the public hearing for the November regular City Council Meeting.

Ms. Stultz advised the numbers were for street addresses and that they were three properties located in the Community Development Block Grant area. She noted that at least one of them and possibly all three were going to have to have the existing structures

removed. She advised that the three lots were zoned differently from most of the rest of the neighborhood and the CBG area and they just wanted to get them in line. She advised that one of them particularly needed a new home put in.

A motion was made by Council Member Tudor seconded by Council Member Epps for approval of the request. All Council Members voted in favor of the motion.

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

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

URGENT NEEDS

R-2413 – Set schedule and funding for construction for widening multi-lane connector, on new location from NC 68 to US 220 and multi-lane US 220 to NC 68.

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.

#### CRITICAL 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. Wider 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 – Divide project into three segments. Brian Blvd. To US 220, US 220 to US 29, and US 29 to US 70. Move US 29 to US 70 up in priority projects.

R-2560 – Reaffirm support for the widening of NC 87 from Reidsville to Burlington.

#### COUNTY PROJECTS

#### CRITICAL 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

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

Mayor Price advised that it was a resolution that all the municipalities and the county were approving in unison to send to the Department of Transportation as their needs. He noted that one urgent need was on Highway 68, which would take all the traffic from south side Virginia and the local area. He stated that in the critical request, they had gotten to a point on Highway 14 and Meadow Road widening to the state line. He advised that apparently not much work had been done and Virginia was waiting on us to show good faith effort. He stated that this could be them in a position to get some progress going. He noted that Mayor Pro Tem Grogan had agreed to present it to TIP at their regional meeting very shortly. He advised that tonight he was asking that the Council approve the resolution as submitted.

A motion was made by Council Member Tudor seconded by Council Member Epps for approval of the resolution. All Council Members voted in favor of the motion.

f) Consideration of amendment to Eden City Code 9-175, Shopping Center Parking Regulated.

This item was pulled from the agenda.

g) Consideration of transfer of franchise from NUI Corporation to Piedmont Natural Gas Company.

This item was pulled from the agenda.

h) Consideration of Conflict of interest statement from the \$40,000 Grant Award from The Rural Center.

Information provided to Council explained that the City of Eden has been awarded a grant from The Rural Center in the amount of \$40,000 for the City of Eden Water Distribution System Master Plan which is being done by the consulting engineering firm of W.K. Dickson, Inc.

On October 7, 2002, the City Manager received a letter from Ms. Julie Haigler, Program Director for The Rural Center concerning the need for an adopted conflict of interest statement. That letter was also attached for the Council's review and consideration. It was noteworthy to point out that this language reflects the exact language as found in the North Carolina General Statutes regarding conflict of interest.

Mayor Price advised that the request had been made and had to be approved on authorization of the Council.

A motion was made by Council Member Epps seconded by Council Member Tudor for approval. All Council Members voted in favor of the motion.

#### 9. CONSENT AGENDA:

a) Approval and adoption of minutes – September 17, 2002.

b) Approval and adoption of a motion to adopt a Resolution approving Financing Terms for the Street Sweeper.

#### Resolution Approving Financing Terms

WHEREAS: City of Eden ("City") has previously determined to undertake a project for Street Sweeper, and the Finance Officer has now presented a proposal for the financing of such Project:

BE IT THEREFORE RESOLVED, as follows:

The City hereby determined to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated September 25, 2002. The amount financed shall not exceed \$132,097.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.93%, and the financing term shall not exceed five years from closing.

(2) All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and

directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

The Financing Documents shall include a Financing Agreement and an Escrow Agreement as BB&T may request.

( 3) The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction.

The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers.

The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

The City shall not take omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income or federal income tax purposes of the registered owners of the interest payment obligations. The city hereby designates it obligations to make principal and interest payments under the Financing Documents as "qualified tax exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

All prior actions of City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. The resolution shall take effect immediately.

Approved this 15th day of October, 2002.

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

s/Kim J. Scott

Kim J. Scott, City Clerk

(SEAL)

Approval and adoption of a motion for a Sales Tax Refund Project with Rockingham County.

This memorandum concerned a proposed evaluation with regards to sales tax claims from entitles located within Rockingham County. The County has negotiated a contract with a firm to do such an evaluation in hopes of making sure that all sales tax paid by entitles located with Rockingham County was indeed returned to the County and its' municipalities.

As indicated by Mr. Apple, the City participated in a similar evaluation in 1994 which netted \$117,000 in additional revenues for the County and its' municipalities.

The contract allows the firm of Robert Segal to conduct the evaluation for a contingent fee of 24% of the sales tax refunded to the County and its municipalities for the hospitals and schools and 33% for all other non-profit entities. This proposal involves no out of pocket cost for the City of Eden. Mr. Apple's proposal shows that if the contract "nets" approximately the same revenues as it did in 1994, the City could potentially see approximately \$10,000 in additional unbudgeted revenues. Revenues desperately needed given the current state of the economy.

The recommendation was that the City partner with the County with regards to the contract.

d) Approval and adoption of an amendment to Section 10-7.6 of the City's Personnel Ordinance.

Approval and adoption of a motion to replace Johnnie Fisher on the Safety Committee with William F. Harvey.

This item was pulled from the agenda.



f) Approval and adoption of a motion to replace Dink White on the Safety Committee with Darryl Carter.

This item was pulled from the agenda.

A motion was made by Council Member Tudor seconded by Council Member Epps for approval of Consent Agenda items a, b, c, and d. All Council Members voted in favor of the motion.

#### 10. VOUCHERS:

He explained that if there were any questions about a voucher item, they should be addressed to the City Manager and the Finance Director for a complete explanation.

#### ADJOURNMENT:

A motion was made by Council Member Tudor seconded by Council Member Epps to adjourn. All Council Members voted in favor of the motion.

Respectfully submitted, Kim J. Scott, City Clerk

#### ATTEST:

Philip K. Price, Mayor