

CITY OF EDEN, N.C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, January 21, 2003 at 7:30 p.m. in the Council Chambers, 308 East Stadium Drive. Those present for the meeting were as follows:

Mayor:	Philip K. Price
Mayor Pro Tem:	John E. Grogan
Council Members:	Ronald H. Reynolds
	Christine H. Myott
	C.H. Gover, Sr.
	Garry Tudor
	Billy Vestal
	Jerry Epps
City Manager:	Brad Corcoran
City Attorney:	Thomas Medlin, Jr.
City Clerk:	Kim J. Scott
Deputy City Clerk:	Sheralene Thompson

Representatives from City Departments:

Representatives from News Media:

Lisa Doss, Eden's Own Journal
Steve Lawson, Eden Daily News, Scott Michels, News & Record

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:

Mayor Price introduced Mr. D.J. Morris, Pastor of the Mount Sinai Baptist Church, who was present to give the invocation, followed by the Pledge of Allegiance led by Mr. Joey Conner, Director of Parks and Recreation.

RECOGNITION:

Mayor Price noted that members of Boy Scout Troop #567 were present in the meeting to study and watch the City Council meeting as well as to receive their community service merit badges. He recognized the troop leaders as Tommy Fleming, Chip Smith, Radford Thomas, Mike Johnson, and Larry Parker.

PROCLAMATION:

Mayor Price asked representatives of the NAACP to come forward, including Mr. Nelson Hairston. Mayor Price explained that the Dr. Martin Luther King Dinner was held in the cafeteria at Morehead High School on Saturday evening. He said it was a celebration of [Dr. King's] life and was probably one of the nicest meetings and groups that had been held in the community in a long time with probably 400 people attending. Mayor Price noted that the City had been closed the previous day. He then read the following proclamation:

**A PROCLAMATION TO
DESIGNATE JANUARY 20th
TO HONOR DR. MARTIN LUTHER KING, JR.**

WHEREAS, Dr. Martin Luther King, Jr. believed that nothing could replace a kindness rendered by one human being to another and that a good society is a result of millions of such good small acts; and

WHEREAS, Dr. Martin Luther King, Jr., through his life and his work taught that freedom of choice and respect for fellow human beings are to be sought; and

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WHEREAS, Dr. Martin Luther King Jr., was tragically killed on April 4, 1968 in Memphis, Tennessee while leading sanitation workers in a protest against low wages and intolerable working conditions; and

WHEREAS, the King Holiday and Service Act of 1994, signed into a law by President Bill Clinton on August 23, 1994, designates the King Federal Holiday to be a day of national service and this year's observance will be held on Monday, January 20, 2002, a day to be celebrated by the City of Eden employees; and

WHEREAS, the King Holiday is a unique American holiday in that it challenges Americans to remember and celebrate but most importantly act to address those issues for which Dr. King and others gave their lives;

NOW, THEREFORE, BE IT PROCLAIMED that I, Philip K. Price, Mayor of the City of Eden, hereby designate JANUARY 20, 2003 be set aside as Dr. Martin Luther King, Jr. Day in the City of Eden and urge all citizens to join with me this day in recognizing the importance Dr. King has made toward peace, civil unity, and nonviolence in our lives.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 21st day of January, 2003.

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

ATTEST:

s/Kim J. Scott

Kim J. Scott
City Clerk

Mayor Price presented the proclamation to Mr. Hairston and thanked the NAACP for their valuable work in celebrating the holiday to which Mr. Hairston commented that he accepted the proclamation with pride.

ADDITIONS OR DELETIONS TO AGENDA:

Mayor Price advised that there were several changes that had been made on the agenda. He noted that the following items had been removed from the agenda: Public Hearings (a) and (a-1); Item 8(c).

As no Council Members wished to add or delete from the agenda, he declared the agenda set.

PUBLIC HEARINGS:

- (a) Consideration of a zoning text amendment to amend Section 11.22(q) of the City of Eden Zoning Ordinance pertaining to carports in the front yard. Request submitted by the City of Eden Board of Adjustment. ZONING CASE Z-02-12.

This item was removed from the agenda.

- (a-1) Consideration of adoption of an ordinance amending Section 11.22(q) of the City of Eden Zoning Ordinance pertaining to carports in the front yard. ZONING CASE Z-01-12.

This item was removed from the agenda.

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

- (b) Consideration of a zoning text amendment request to amend Section 11.22(c) of the City of Eden Zoning Ordinance to deal with infill development. Request submitted by the City of Eden Planning Board. ZONING CASE Z-02-13.

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The memorandum presented to Council explained that the Planning Board, at their regular meeting on October 24, 2002 initiated a text amendment to the City of Eden Zoning Ordinance. This request is to amend Section 11.22 (c) to deal with setback modifications relating to adjoining principal structures in residential neighborhoods.

At their regular meeting in November, the City Council scheduled this public hearing to consider this request.

The Planning and Inspections Department recommended approval of this request. The Planning Board considered this request at a special meeting on January 14, 2003.

Ms. Stultz explained that this was originally discussed at the Historic Preservation Commission's meetings and they asked that it go before the Planning Board. She said that after the initial discussion, the Planning Board decided to initiate the amendment. She explained that it dealt with vacant lots in existing neighborhoods that had been developed for a long time. She said that the lot may have been vacant all along or it may be vacant because a structure had been removed. She stated that someone may come in and try to develop the lot, it was hard for the lots to comply with current regulations. She cited the houses on Highland Drive, of which many were built prior to 1950, as examples.

Ms. Stultz explained that what many communities did, and what she was asking the City to do, was to provide for setbacks to be averaged with the two structures on either side. She said that it went into some provisions on how to do that if there was not a structure on one side. She noted that the Planning Board unanimously voted in favor of the amendment with the small provision that some wording be in there to allow the property owner to pick one structure or the other if they did not want to average them. She said that the staff was not prepared to recommend in favor of that as it might make it more complicated than helpful. She explained that really what this was designed to prevent was the jack-o-lantern effect that could happen in residential neighborhoods.

Mrs. Stultz said that she did not know if anyone had any questions or if the explanation made sense but she thought it was a fairly important amendment.

Council Member Vestal stated that he attended the meeting of the Planning Board and there was a consensus of the entire board.

Mrs. Stultz agreed and stated that the whole Planning Board had voted in favor of allowing the folks to either arrange them as proposed, or pick one structure or the other and match their setbacks to it.

Council Member Vestal said that the reasoning behind it, from the discussion, was that they were trying to eliminate the jack-o-lantern effect. He commented that if you put one in the middle of two you would have the stair-step effect. He noted that if you did either/or, there would just be two different ones instead of three different ones. He said that was the consensus behind the Planning Board.

Ms. Stultz agreed that it was. She stated that doing that with the front yard setback made sense but when given an option of choosing to average the side and rear yard setbacks, that was different and they picked somebody on either side of them to do that. She commented that either way, she thought it would work. She said that the Planning Board was pretty certain that they wanted to do that as far as, particularly front yard setbacks, if she understood correctly.

Mayor Price asked Ms. Stultz if the vote from the Planning Board was unanimous to which she replied in the affirmative.

Mayor Price asked if there was anyone present who wanted to speak for or against the zoning text amendment. As no one came forward to speak, Mayor Price declared the public hearing closed.

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Council Member Vestal asked if they were going to leave the wording as is or have it as the Planning Board wanted "either/or", using the average.

Mayor Price questioned if the intent of the Planning Board was to average or to "either/or".

Ms. Stultz answered that the intent of the Planning Board was to "either/or". She said that normally they got more of that into the memos received by the Council and it would have been easier but the Council had their package right before the Planning Board met. She noted that they felt like "either/or" was a better option. She stated that if a Council Member wanted to make a motion to do it like the Planning Board did, they could, or the staff recommendation.

A motion was made by Council Member Vestal seconded by Council Member Epps to approve the amendment as recommended by the Planning Board. All members voted in favor of the motion. The motion carried.

(b-1) Consideration of adoption of an ordinance amending Section 11.22(c) of the City of Eden Zoning Ordinance pertaining to infill development. Request submitted by the City of Eden Planning Board. ZONING CASE Z-02-13.

A motion was made by Council Member Vestal seconded by Council Member Tudor to adopt this ordinance as amended. All Council Members voted in favor of the motion. The motion carried.

(c) Consideration of a zoning text amendment request to amend Section 11.22(f) of the City of Eden Zoning Ordinance to deal with flag lots. Request submitted by the Eden Planning Board. ZONING CASE Z-02-14.

The memorandum presented to Council explained that the Planning Board, at their regular meeting on October 22, 2002 initiated a text amendment to the City of Eden Zoning Ordinance, City of Eden Subdivision Ordinance, and the Eden City Code. The requests were:

1. Consideration of a zoning text amendment request to amend Section 11.22(f) of the City of Eden Zoning Ordinance to deal with flag lots. ZONING CASE Z-02-14.
2. Consideration of a text amendment request to amend Article 9, Section 3.3 of the City of Eden Subdivision Ordinance dealing with flag lots and paving standards. SUBDIVISION CASE S-02-04.
3. Consideration of a request amending Section 13.113 of the City of Eden City Code to reflect comparable paving standards to the City of Eden Subdivision Ordinance.

At their regular meeting in November the City Council scheduled the public hearing to consider these.

The Planning and Inspections Department recommended approval of these requests. The Planning Board considered this request at a special meeting on January 14, 2003.

Mayor Price called for a public hearing and asked Ms. Stultz for a report.

Ms. Stultz explained that over the last several months, and with the help of the City Manager, the Technical Review Committee had gotten itself off the ground. She said that they had tried this a number of times before and explained that it was a committee of staff, taking a look at all of the development regulations and basically the physical operations of the City. It consisted of members of the Engineering Department, Public Utilities Department, Streets, Mr. (Benny) Sexton, and just about every department was represented. She explained that what they began to look at initially were things to deal with the land use regulations that they thought might be an issue and with provisions of the city code.

Ms. Stultz said that the first thing before the Council was dealing with flag lots (4c). She noted that it was exactly as it sounded, flag lots. She explained that what they had, was the public street out there and the green line would represent the original lot. She asked them to assume that they already had a house there and

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Mom and Dad wanted to cut a lot off the back to let Junior build a house. She stated that presently the way the ordinance read was that they would just have to have some street frontage in order for that to happen. She said that what they had seen happen was that the flag lots get created and sometimes they were very, very odd looking or the flag pole portion was very narrow. She explained that they had not had any way of regulating how big that got or how big the property was or exactly how it ought to be done. She said that it was not something that the staff or Planning Board thought they should stop doing as there were circumstances where it was necessary. She noted that it happened a lot in the ETJ and there was not really much of an alternative. She commented that if Mom and Dad were going to let Junior build a house, you would really hate for them to have to dedicate a public street and build it to have one extra residence back there.

Ms. Stultz advised that flag lots were something that most ordinances dealt with and to date the City's had just sort of ignored them. She said that the Planning Board and the Technical Review Committee supported the notion of regulating the flag lots that there only be one single family dwelling and that it was uninhabited accessory structures. She advised that the maximum flag pole length shall be 300 ft., the minimum flag pole width shall be 25 ft., the flag pole portion shall be used to calculate area, width, depth, coverage, and setbacks of the lot. She stated that where public water was available, any building on the flag lot must be within 500 ft. of a flag lot. She said that the distance shall be measured along the street and then in a straight line. She said that if public sewer was available, occupied buildings on the flag lot should have a gravity service line or sewer pump requirement should be noted on the plat. She said there was discussion about how driveways should be arranged. She said particularly a notation on the plat when these things were recorded that the City of Eden was not going to provide service, i.e. pick-up trash, in the flag pole portion of the lot. She said that ever who it was would have to be aware that they would have to bring it out to the public right-of-way. She noted that both the Technical Review Committee and the Planning Board thought that it was a good idea to amend both the zoning and subdivision ordinances to deal with that. She explained that it was why they were talking about them at one time.

Ms. Stultz noted that they had a number of discussions in Technical Review and the lead folks in the particular discussion on paving standards were obviously the engineering staff. She explained that the paving standards that were in the subdivision code currently had been in there since 1968. She said that lots of industry practices had changed and with what they recommended the cost was minimal to the developer. She noted that engineering staff, other members of the staff, and several other cities they talked to felt like what they were proposing would provide a better product for the Council in the long run and the people of the community.

Ms. Stultz advised that flag lots and paving standards were the issue but in order to do that, the zoning ordinance would need to be amended, the subdivision ordinance would need to be amended, and two sections of the city code would need to be amended.

Council Member Gover stated that in the existing areas they had they sell a flag lot but some were not noted as flag lots.

Ms. Stultz stated that it was not shaped like that but it was a flag.

Council Member Gover asked what they were going to do about the existing situation there that they can continue on. He asked if that 300 ft. applied to an area like that.

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Ms. Stultz answered that there were already lots there but if they could do it another time ...

Council Member Gover asked if the pavement applied if they went there and built another one.

Ms. Stultz replied that the City Attorney could correct her if she was wrong and she said maybe she should sketch out what Council Member Gover was talking about so everybody would know. *Ms. Stultz had a sketch pad and easel.* She said there was an area down in one particular part of the community. She noted that she was not sure her memory would let her sketch it exactly right but that Council Member Gover could help her.

Ms. Stultz sketched a description of the lots. She questioned Council Member Gover if it was correct.

Council Member Gover stated that there were two lots side by side on the same right-of-way.

Ms. Stultz answered that yes, they had two flags. She noted that what it looked like was that there was a road there to reach two of the houses but actually what they had was one lot and another one with a house on it. She said that it looked like there was a road but it was not a road. She said that half of it, only about ten feet wide, belonged to the one of the houses and half belonged to the other and they both used it to get in and out. She noted that it had happened when they had absolutely no ability to regulate how wide the flagpole was or how long it was.

Council Member Epps asked Ms. Stultz if she had no problem with it being that way but it just had to be wider.

Ms. Stultz answered that that was correct and it would have to meet the other standards. She said that was to provide public safety services and those kinds of things.

Council Member Gover stated that what they were trying to do with it, was inform the people that were buying those lots, that the City did not maintain the roads to which Ms. Stultz agreed. Council Member Gover said that he wanted people to know that the City was not maintaining that road and the people keep building the homes there. He stated that down the road, they were going to expect the City to provide a road there.

Ms. Stultz said that the City did not even have any right of access on there because it was actually attached to their lots. She stated that she agreed with Council Member Gover that it had been ambiguous and that was one of the biggest reasons that they wanted to get this clarified. She said that as she understood the way things work, the tract that this came out of could have one more flag lot, if they could have one, if it was grandfathered. She said she was not sure and she and City Attorney Mr. Tom Medlin would have to talk about how they dealt with the existing one if they came in for another one. She explained that what it would prevent was anything, if there was a piece of acreage and someone lived on it and they carved one flag lot, they would not ever be able to carve another one out of that same tract. She stated that beyond that, they would have to build a road.

Council Member Gover stated that the citizens of Eden should know the situation and that was why they were trying to establish something there.

Council Member Epps said that there would be nothing to prevent them later to deed that property to the City. He asked if that was correct.

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Ms. Stultz stated that the problem was that, and it was one of the issues that she and Council Member Gover had talked about, those two flagpoles on the lots they were discussing, the very specific ones, were too narrow to ever be a street. She said they would have to dedicate some more property to the City. She noted that at some point it could be. She said they would have to build the street as the City was not going to go in there and do it, at least not under current policies.

Council Member Gover questioned if what they were calling a street at that time was an easement of the City.

Mayor Price asked if there were any other questions of Ms. Stultz. He said that as he had mentioned to them, they would be having three public hearings in regard to the comments. He explained that the first was consideration of a zoning text amendment request to amend Section 11.22(f) of the City of Eden Zoning Ordinance to deal with flag lots. Request submitted by the Eden Planning Board. ZONING CASE Z-02-14. He stated that they had heard the comments from the Planning Department. He asked if anyone wanted to come forward to speak for or against the proposal. As no one came forward, Mayor Price declared the public hearing closed.

A motion was made by Council Member Gover seconded by Council Member Vestal to accept the amendment as presented. All Council Members voted in favor of the motion. The motion carried.

(c-1) Consideration of adoption of an ordinance amending Section 11.22(f) of the City of Eden Zoning Ordinance pertaining to flag lots. Request submitted by the City of Eden Planning Board. ZONING CASE Z-02-14.

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

(c) Consideration of a text amendment request to amend Article 9, Section 3.3 of the City of Eden Subdivision Ordinance dealing with flag lots and paving standards. Request submitted by the City of Eden Planning Board. SUBDIVISION CASE S-02-04.

Mayor Price called for a public hearing and asked if there were questions for Ms. Stultz. He asked if anyone would like to speak in favor or opposition to the request. As no one came forward to speak, Mayor Price declared the public hearing closed.

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

(d-1) Consideration of an ordinance amending Article 9, Section 3.3 of the City of Eden Subdivision Ordinance pertaining to flag lots and paving standards. SUBDIVISION CASE S-02-04.

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

(d) Consideration of a request amending Section 13.113 of the City of Eden City Code to reflect comparable paving standards to the City of Eden Subdivision Ordinance.

Mayor Price called for a public hearing. He asked if anyone had any questions of Ms. Stultz. He asked if anyone wanted to come forward to speak in favor of

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opposition of the request. As no one came forward, Mayor Price declared the public hearing closed.

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

Council Member Grogan addressed Mayor Price and said that he thought before it was approved, they should applaud all the departments working together to bring it to the City Council. He commented that at least the left hand knew what the right hand was trying to do in bringing it together. He said that he wanted to thank them for what they had done.

Mayor Price advised that the comment was very well put.

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

(e-1) Consideration of an ordinance amending Section 13.113 of the City of Eden City Code pertaining to paving standards.

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

Mr. Medlin noted that in (c-1), back where they passed the ordinance amending 11.22(f) of the City Code Zoning Ordinance, they had also prepared an additional ordinance that amended Article 11 of the Subdivision Ordinance. He questioned if that was coming in later to which Ms. Stultz answered that it was. Mr. Medlin noted that he just wanted to make sure that they did not overlook that ordinance.

Mayor Price stated that he did not believe it was included in there. He asked Mr. Medlin if he had it with him.

Mr. Medlin said that he had the prepared ordinance, which he believed was a part of Section 11.22. He said that would actually be the Subdivision Ordinance as opposed to the Zoning Ordinance. He noted that maybe they just needed to get it on the agenda for the next meeting.

MONTHLY FINANCIAL REPORT:

(a) Finance Departments Monthly Report.

Mayor Price stated that the information was an excellent report as presented by Ms. [Lori] Ford, [Director of Finance and Personnel]. He said that the numbers were not excellent but the explanation continued to be wonderful. He noted that they could see her concerns about where they were beginning to wind down in the second half of the year. He said that taxes were being paid and they were getting into a lean time of the year. He asked if there were questions from the Council about the report.

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

REQUESTS AND PETITIONS OF CITIZENS:

Mayor Price noted that one person, Ms. B.J. Freeman, had signed up to speak. He asked Ms. Freeman to come up.

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Ms. Billie Jean Freeman, 612 Robindale Court, Eden greeted the Council. She said that she would like to address the meeting in the matter of the old Eden City Park on Highway 14. She stated that the fellow citizens would like to know the latest news on the matter. She said that the citizens still disagreed with the decision on selling the old Eden City Park. She advised that she had done some old comparisons on the new park versus the old park. She said that she, along with the citizens, thought about all the money, approximately \$300,000, spent or set aside on the new park would have been put to better use in updating the old park. She commented that when the City decided to build the new park, the plans were quite elaborate. She wondered if the people would have wanted it as the plans are presently. She said that just as some other projects are started in the community, they rape the land and then something prevents the project of being completed. She questioned if this was going to be another one of those projects. She stated that the citizens wanted to know and what would become of the cemetery in the park.

Ms. Freeman stated that there was another matter that had been brought to her attention from the citizens. She asked why Wal-Mart was the only big chain store in the town. She questioned what they could do to get more stores in town. She said that they needed something other than just Wal-Mart.

Mayor Price stated that he could address the issues. He said that the City was receiving bids on the land that the former park was located on. He asked Ms. Stultz for an update on where they were with that.

Ms. Stultz replied that the latest round had finished up that day. She noted that the highest bid they had received so far was \$110,250. She explained that the way the process worked, as they all had made the decision, was to run the notices, send a letter to everyone that had a bid in, and that bid would stand for ten days. She said if it was upset the process would continue until some bid stood for ten days. She further explained that at that point it would be brought back before the Council and they would still have the option to reject or accept any bids that came.

Mayor Price thanked Ms. Stultz. He explained that in regard to the other part, there had been some very active efforts down there. He said that the shelter was built, the walking track was built, the gates and flowers and bushes and other things that were there had been put in. He noted that the restrooms were in. He said that plans had been made to begin the work on the ballparks. He advised that a very active group of people had donated their time to the success of the park. He said that while some things had gone by the wayside, it would surprise him a lot if that one was not very successful and useful for the City of Eden. He stated that they realized that some people wanted to keep the old City Park but they had to make a decision of what they thought was best.

Ms. Freeman responded that she just hated to see all that country atmosphere just go to waste. She noted that since they did have the Boy Scout troops with them that night, a lot of the boy scouts earned their eagle scouts from the old City Park and it was a shame to see that hard work go to waste.

Mayor Price replied that they had done a lot of work and they really admired their efforts. He said that as they were there tonight they needed to hear that communities had to go forward, needed to go forward. He said that a group of people who were elected to represent the citizens decided that what they did was the best thing in their minds to do for the City of Eden. He stated that in regard to the burial site, it would be ... he asked Mr. Medlin to give him the right word ... set aside for that family.

Mr. Medlin stated that there would be an easement reserved for that.

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Mayor Price said that the family would have access to that gravesite. He noted that insofar as the stores, he could not comment on that. He stated that they had a gentleman who worked very closely with the people and had done an admirable job trying to lure other stores here. He said that he could tell her that from some of the reports he had seen, the gentleman had some things working but it was a slow go. He stated that people were hesitant to spend money these days. He noted that big chains were very hesitant to spend money but when you had somebody like that in front of them as well as working with the Eden Chamber things would happen here. He said that they had to hold onto their seats and keep good faith and keep on digging.

Ms. Freeman thanked Mayor Price.

Discussion from the City Attorney regarding Subdivision Ordinances:

Mr. Medlin stated that he did find what he was talking about on the other ordinance and it was covered in the information that Ms. Stultz had provided. He said that it dealt with the subdivision ordinance for paving requirements, where they had changed it. He noted it was the access under the subdivision and at the bottom she had a Section 11.29 of a definition for flag lot. He noted that it was a separate section of the subdivision ordinance. He said that if they looked through the papers that he had prepared, they would find two different proposed ordinances. He stated that one was for Section 9 and the other was for Section 11. He said that he just wanted to make sure that they got Section 11 passed. He said he thought they did because it was covered in the materials in the motion in order. He stated that when they went to sign them, they should understand that there were just two and they covered everything they had made in the motion.

Mayor Price asked if they were things they needed to bring back the next month.

Mr. Medlin replied that no, there was not anything they would need to bring back.

UNFINISHED BUSINESS:

(a) Consideration of appointments to the Community Appearance Commission.

A motion was made by Council Member Epps to nominate and appoint Ms. June Adams to the Community Appearance Commission.

Mayor Price noted that Ms. Adams was a long-time volunteer for the community and would do an excellent job.

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

(b) Consideration of sale of certain city properties-Lot on Lawrence and Flynn and Mildred's Kitchen.

The memorandum presented to Council explained that in the fall of 2002, the City Council declared the lot located at the corner of Lawrence and Flynn Streets that was received by the city in a tax foreclosure action and the Mildred's Kitchen property located on The Boulevard as surplus properties.

Since that time these properties have been advertised for bids and bids were received. These bids stood the required 10 days. The bids were as follows:

Lawrence & Flynn Streets – Bidder, Audie Land - \$600.00

Mildred's Kitchen – Bidder, Mildred Whitten and Rebecca Shomali - \$6,000.00.

Mayor Price stated that they could see the information as presented. He said they would have two different motions, noting that one would be to approve the

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purchase on the corner of Lawrence and Flynn Street. He reported that the bidder was Mr. Audie Land in the amount of \$600.

Council Member Grogan questioned if Mayor Price was referring to the sale of the lot.

Mayor Price stated that he was.

A motion was made by Council Member Epps seconded by Council Member Gover to accept the bid of \$600 from Audie Land for the Lawrence/Flynn lot. All Council Members voted in favor of the motion. The motion carried.

Mayor Price advised that next was the Mildred's Kitchen property. He stated that the bidders were Mildred Whitten and Rebecca Shomali. He noted that the bid price was \$6,000.

A motion was made by Council Member Tudor seconded by Council Member Grogan to accept a bid of \$6,000 from Mildred Whitten/Rebecca Shomali for Mildred's Kitchen lot. All Council Members voted in favor of the motion. The motion carried.

(c) Consideration of assessment policy.

Information presented to Council explained that the financial portions of the policy were exactly like the City Council had used in the past. The policy was designed to clearly outline the process for citizens to petition the City Council for various kinds of improvements.

Mayor Price said that they could see the information as presented so far. He noted that he had a question of the attorney and Ms. Stultz. He stated that he did not see a public hearing with this and questioned whether there was one.

Ms. Stultz answered that it was a City Council policy and it was not adopted under any of the Planning statutes so they did not have to have [a public hearing].

Mayor Price replied that that was okay. He asked if there were any other questions of the policy as it was presented.

Council Member Gover questioned the word changing.

Ms. Stultz answered that that afternoon as she and Mr. Medlin were going through it one more time, Mr. Medlin made some changes. She noted on page four under Assessment Roll Resolution, there were a few words in there where the tense in the sentence was changed. She said it was reworded a little bit but the basic meaning of it, she thought, was just to make it a bit clearer.

Mayor Price stated that he would like to read it. He noted that it was under the part that said Assessment Roll Resolution and under the public hearing.

Mayor Price read in part:

“At the time after the public hearing, the Council may adopt a resolution either confirming, modifying, or annulling the assessment. If the Council adopts an assessment resolution, said resolution shall contain at a minimum the final boundaries of construction, the final assessment roll, the basis of the assessment and the percentage of the total cost assessed.”

Council Member Grogan commented to notify the property owners and have a public hearing.

Ms. Stultz answered that was correct.

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

Please note that a page was missing from this Assessment Policy regarding the public hearing section concerning the Mayor's earlier comment, a corrected copy of this policy was placed at each Council Member's seat as well as the Mayor's.

NEW BUSINESS:

- (a) Consideration of a Resolution of Intent to close a portion of Monticello Street.

**RESOLUTION OF INTENT TO CLOSE AN UNOPENED
PORTION OF MONTICELLO STREET**

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

Pursuant to the provisions of Chapter 13, Article III, Division 3 and Section 13-88 of the Eden City Code and Section 160A-299 of the North Carolina General Statutes, the City Council of the City of Eden, North Carolina, does hereby declare its intention to close the following described street being the portion of Monticello Street located between Meadow Road and Moore Street.

BEGINNING at an iron pipe in the southern right-of-way line of Meadow Road, said iron pipe marking the southwest intersection of Meadow Road and Monticello Street; thence with the western line of Monticello Street South 32 deg 13 min E 175.60 feet to an iron; thence South 11 deg 45 min E 43.50 feet to an existing iron pipe marking Homer E. Wright, Jr's northeastern corner; thence continuing along the western right-of-way line of said Monticello Street 557.5 feet to a point being the northwest intersection of Monticello Street and Moore Street; thence from said point along and with the northern right-of-way line of said Moore Street 50 feet to a point being the southwest corner of the intersection of Monticello and Moore Street, said point being the southwest corner of the John A. Atkinson property; thence from said point along and with the east right-of-way line of Monticello Street along and with the west property line of Atkinson 360 feet to a point, said point being the northwest corner of the Atkinson property and the southwest corner of the property of Pleasant View Baptist Church (formerly Bolen); thence from said point continuing along said right-of-way approximately 194.6 feet to a point being the southeast intersection of Monticello Street and Meadow Road; thence in a westerly direction along and with the right-of-way line of Meadow Road 50 feet to the point and place of beginning.

BE IT FURTHER RESOLVED that the City Council does hereby call for a public hearing on the said closing to be held on the 18th day of February, 2003 at 7:30 p.m.

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

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

APPROVED, ADOPTED, AND EFFECTIVE, this 21st day of January, 2003.

City of Eden

s/Philip K. Price

By: Philip K. Price, Mayor

Attest:

s/Kim Scott

Kim Scott, City Clerk

Mayor Price advised that they could see the information as presented. He asked if there were any questions. He explained that what they were being asked to do was consider an adoption of a Resolution of Intent and calling a public hearing for the February 18 meeting.

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A motion was made by Council Member Tudor seconded by Council Member Epps to adopt Resolution of Intent and call a public hearing for the February meeting. All Council Members voted in favor of the motion. The motion carried.

(b) Consideration of amendment to the City Code regarding pumping septic tanks.

Mayor Price advised that, as Council Member Grogan had said, they wanted to commend the staff for getting this clarified. He said it had been done but it needed to be in writing as to the circumstance.

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

(c) Consideration of reorganizing the number of officers for the fire department.

Mayor Price noted that this item had been removed from the agenda.

(d) Consideration of Traffic Study on Land Street.

Mayor Price stated that they could see the information that had been presented to the Council on this from Sgt. Frazier.

Council Member Epps stated that he had been out there himself. He said that a lady called him who lived at the end of the street. He noted that he had never been there yet that had not been somebody blocking the road. He said that was every time he had been over there and he had been there several times. He stated that he thought [Mayor Price] had been there several times. He commented that he thought it was needful himself.

A motion was made by Council Member Epps seconded by Council Member Tudor to accept recommendations for No Parking on Land Street.

Council Member Tudor advised that he was very familiar with Land Street also and the same lady that Council Member Epps was referring to was a lady he went to church with. He said he had discussed it with her and went by so he could say that he had been by, although he was very familiar with the street. He noted that there were five cars on the street the time he went by. He said it needed to be done.

Council Member Epps stated that if they knew you were coming, they moved the cars but you could see the oil print all over the road where they had been parked.

Mayor Price asked if there were any other comments.

Council Member Epps said that he would like to say that they were not being mean to the residents but a fire truck getting through there could mean somebody's life.

Council Member Tudor stated that there was also plenty of room for everyone of the houses to have driveways and most of them did. He noted that they just did not park in them.

Mayor Price said that for the young folks present, they were discussing a street in town that was probably one of the most narrow in the City of Eden. He stated that the discussion was that sometimes the cars would be parked on the street. He explained that considering the traffic going in and out, what they had just heard them say was a discussion of the fire trucks and other safety vehicles getting through. He noted that they had problem with the solid waste trucks having to pull

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in and back out. He said that it really had become a hazard so the things that come up on narrow streets come for discussion like this. He stated that the request was to make that street a no parking area. He advised there was a motion and second on the floor.

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

CONSENT AGENDA:

- (a) Approval and adoption of minutes – December 17, 2002.
- (b) Approval and adoption of a motion to hold a public hearing and to consider an ordinance to rezone property on 110 W. Meadow Road from Residential-20/Office & Institutional to Office and Office and Institutional. ZONING CASE Z-02-15.
- (c) Approval and adoption of a motion to hold a public hearing and to consider an ordinance to amend the Business-Highway #1 zoning district of the City of Eden Zoning Ordinance to allow “Automobile Dealers, New and Used” as a permitted use. ZONING CASE Z-03-01.
- (d) Approval and adoption of a motion to hold a public hearing and to consider an ordinance to rezone property on Fisher Hill Road from Residential-20 to Residential-Suburban. ZONING CASE Z-03-02.
- (e) Approval and adoption of a motion for revisions to the Reconnect Policy.
- (f) Approval and adoption of a motion for revisions to the Cash Management Policy.
- (g) Approval and adoption of a motion for approval of Budget Amendments 7 and 8.

There was no discussion of any items on the Consent Agenda.

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

VOUCHERS:

Mayor Price explained that if there were any questions regarding vouchers, they should contact the City Manager.

CLOSED SESSION:

Closed Session to consult with the attorney in order to preserve the attorney-client privilege according to GA 143-318.11(a)(3).

A motion was made by Council Member Tudor seconded by Council Member Gover to go into closed session to consult with the attorney. All Council Members voted in favor of the motion. The motion carried.

OPEN SESSION:

A motion was made by Council Member Vestal seconded by Council Member Tudor to return to open session. All Council Members voted in favor of the motion. The motion carried.

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CABARRUS COUNTY VS TOLSON SUIT:

A motion was made by Council Member Tudor seconded by Council Member Epps to join with Cabarrus County and other counties in a lawsuit (against State in withholding funds). All Council Members voted in favor of this motion. The motion carried.

ADJOURNMENT:

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

Respectfully submitted,

Kim J. Scott, CMC
City Clerk

ATTEST:

Philip K. Price
Mayor