

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, March 18, 2003 at 7:30 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meetings were as follows:

Mayor:	(absent)	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> , Scott Michaels, <u>News & Record</u>

MEETING CONVENED:

Mayor Pro Tem Grogan 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:

Theodore Foster, Pastor, Rising Star Baptist Church was present to give the invocation.

RECOGNITION:

Mayor Pro Tem Grogan introduced Ms. Jessica Held and her parents to congratulate her for being recognized as the North Carolina High School Journalist of the Year by the North Carolina Scholastic Media Association.

He presented Ms. Held with the following letter, signed by the City Council:

Congratulations for being selected the North Carolina High School Journalist of the Year by the North Carolina Scholastic Media Association. Your talent and diligent work are an inspiration to our community and to your fellow students. We wish you the very best in the national competition and in your promising future.

After you graduate from Wake Forest University, remember to come back to Eden!

RECOGNITION:

Mayor Pro Tem Grogan asked the Morehead Wrestling's Coach Frey to come forward and introduce his wrestling team.

He recognized the wrestling team, under Coach Frey, and noted that they had been extremely successful for a number of years. He noted that it took a team to make winners and noted that they won the championship again this year.

Coach Frey introduced Mr. Evan Johnson and explained that he was selected the Most Valuable Wrestler of his State Dual Team Tournament. He also recognized the State Placers at the Dual Team Individual State Tournament. Evan Johnson placed sixth, Jamel Winfield placed fourth, Justin Case placed fourth, and Justin Duke, who was not present, placed fifth.

Mr. Frey then asked Mr. Joey Conner, Recreation Director, to come forward. Mr. Frey explained that they wanted to present a check in the amount of \$500.00 to the City of Eden in appreciation for all the city had done for them.

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PUBLIC HEARINGS AND ADOPTION OF ORDINANCES:

(a) Consideration of a zoning text amendment to allow used automobile dealers as a conditional use in the Business-General, Business-Highway #1 and Business-Highway #2 Zonings Districts of the City of Eden Zoning Ordinance. Request submitted by the Eden City Council. ZONING CASE Z-03-01.

The memorandum presented to Council explained at their regular meeting in February, the Council held a public hearing to hear comments regarding a zoning text amendment filed by Joseph G. Maddrey. The request was to amend Section 11.24(i) – the Business-Highway #1 zoning district, of the City of Eden Zoning Ordinance to allow nonfranchised automobile dealers.

After consideration, the Council tabled the request and instructed staff to amend the request to consider used automobile dealers as a conditional use in the Business-General, Business-Highway #1 and Business-Highway #2 zoning districts. At their February 25, 2003 regular meeting, the Planning Board voted to recommend that the City Council approve this request.

Mayor Pro Tem Grogan asked Mrs. Stultz to come forward with a report.

Mrs. Kelly Stultz, Director of Planning and Zoning, explained that last month they began consideration of this and at the City Council's request it was sent back to the Planning Board for further consideration and to look at some conditions to place upon such a business, were it allowed in these districts. At their meeting the Planning Board recommended in favor of the following: that automobile sales be a conditional use provided that the sales lot be paved, that any office or structure located on the property be a permanent structure situated on a permanent foundation and that the structures meet all state and local building codes, that any exterior lighting associated with the business would directly illuminate only that property, and that any public address system associated with the business be operated only during normal business hours and turned off after normal hours of operation, and that all entrances, exits and traffic patterns be associated with the business meet NCDOT and city standards and that all of this must be approved by the Planning Department.

She stated that the Planning Board voted unanimously in favor of this amendment and asked that the Council adopt this request.

Mayor Pro Tem Grogan called for a public hearing and asked if there were those who wished to speak in favor or in opposition to this request. As no one came forward to speak, he then declared the public hearing closed.

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

(a-1) Consideration of adoption of an ordinance amending the Business-General, Business-Highway #1 and Business-Highway #2 zoning districts of the City of Eden Zoning Ordinance to allow used automobile dealers as a conditional use. ZONING CASE Z-03-01.

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

(b) Consideration of a zoning map amendment request to rezone property on Roundhouse Road in the city's extraterritorial jurisdiction from Industrial-2 to Residential-12S. Request submitted by Jeffrey Burgess. ZONING CASE Z-03-04.

The memorandum explained that at their regular meeting in February, the Council scheduled this public hearing to hear comments regarding a zoning map amendment request filed by Jeffrey Burgess. The request was to rezone property on Roundhouse Road in the city's extraterritorial jurisdiction from Industrial-2 to Residential-12S.

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

Mayor Pro Tem Grogan asked Mrs. Stultz to come forward with a report.

Mrs. Stultz explained that the request before the Council was to rezone approximately 24 acres from Industrial-2 to Residential-12S. This particular piece of property adjoins low-density

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residential properties to the north and west and undeveloped industrial property to the east and south and an industrial warehouse property was located further to the southwest. She explained that the request was to rezone the 24 acres from I-2 to R-12S. The R-12S district was a residential single family site built home district. The I-2 district was their most intense industrial district. The subject property fronts Roundhouse Rd., a paved dead-end road. The property to the east at the end of Roundhouse Rd. was also zoned I-2, but contains a single-family residence on approximately 27 acres. The development pressure in this area has never presented itself for any further industrial development on this particular spot at this time. Based upon the character of the area and the light industrial and low-density residential uses in the area, staff recommended in favor of the request and likewise the Planning Board.

Mayor Pro Tem Grogan called for a public hearing and asked for those wishing to speak in favor or in opposition to this request.

Mr. Luther Howell, 1079 Friendly Road, explained that he had a question about sewer. They have no sewer on Friendly Road and this property was just across the road from the warehouse. There, they have to pump their sewer to Northridge. He stated that he wondered if this property would accept the septic tanks or sewage for the buildings that they put up there.

Mrs. Stultz explained that in this particular case they were looking at land use patterns. Before any development could be put in place, there had to be proof of waste disposal either through the County's Health Department or proof that sewer had been provided before a building permit was issued.

After no one else came forward to speak Mayor Pro Tem Grogan declared the public hearing closed.

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

(b-1) Consideration of adoption of an ordinance rezoning property on Roundhouse Road in the city's extraterritorial jurisdiction from Residential-20 to Residential-12S. ZONING CASE Z-03-02.

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

(c) Consideration of amending Chapter 6, Article II of the Eden City code nuisance provisions pertaining to height or vegetation and length of time before enforcement.

The memorandum explained that at their meeting in February, the Council scheduled this public hearing to hear comments regarding an amendment to the Chapter 6, Article II of the Eden City Code nuisance provisions pertaining to height of vegetation and length of time for enforcement.

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

Mayor Pro Tem Grogan asked Mrs. Stultz to come forward with a report.

Mrs. Stultz explained that the request was initiated by the City Council. The Planning Board did vote to recommend that this request be approved. It simply deals with the height of vegetation before the city could send a notice in its nuisance provision. Currently it was 24 inches. What that means is, oftentimes they get more than one call before it was 24 inches and then they send a notice. By that time they have made at least two trips and then they have to wait 20 days before the property could be cleared. Often, by that time, and depending on the time of year, they needed a bush hog.

Many jurisdictions across the state use a 12-inch barometer and they were recommending that. They were also recommending that they cut five days off of the process and only give the owner 15 days rather than 20 before the city could step in and clean it up.

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Mayor Pro Tem Grogan declared a public hearing and asked anyone who wished to speak in favor or in opposition to come forward. As no one came forward to speak, he then declared the public hearing closed.

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

(c-1) Consideration of adoption of an ordinance amending Chapter 6, Article II of the Eden City Code nuisance provisions pertaining to height of vegetation and length of time before enforcement.

A motion was made by Council Member Gover seconded by Council Member Reynolds to adopt this ordinance. All Council Members voted in favor of this motion.

MONTHLY FINANCIAL REPORT:

(a) Financial Report.

A motion was made by Council Member Epps seconded by Council Member Tudor to accept the monthly financial report. All Council Members voted in favor of this motion.

REQUESTS AND PETITIONS OF CITIZENS:

Ms. Joy Toms addressed Council:

Ms. Joy Toms, 227 Country Club Drive, explained that she was present to support the Main Street Program and stated that she felt that it was important.

She stated she graduated from Morehead High School, went away to college, and in 1998 returned to Eden. She added that she got asked quite a bit why she came back to Eden and she stated that she loved it and was proud to be a member of this community. She stated that she wanted others to feel that pride and the Main Street Program was a wonderful step in getting back something that this community has lost.

Mr. Dougherty has made great strides as well as Mr. Grogan and Cindy Adams. Their focus could not be on large businesses coming, that was currently not happening. She stressed the need to focus on some of the small businesses that may not employ the people, but could get them started back in the right direction. They had three wonderful downtowns and the great thing about downtowns were the personalized service that you could get from small businesses. That was why they had seen a rise in retail sales in these downtown areas.

Mr. William DeHart addressed Council:

Mr. William DeHart, explained that he was concerned about annexation, especially along Vintage Road. He stated that he wanted to find out more about that.

Mayor Pro Tem Grogan explained that to his knowledge, nothing had been presented to the City Council as far as annexation was concerned. He knew that it had been in the newspaper. He would be notified ahead of time. There would be public hearings prior to any action by the City Council on any type of extraterritorial district or annexation and of which time he would have ample time to come and speak.

UNFINISHED BUSINESS:

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

Mayor Pro Tem Grogan explained that his nomination for appointment to the Community Appearance Commission was Dot Casteen Evans.

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A motion was made by Mayor Pro Tem Grogan seconded by Council Member Gover to appoint Ms. Evans to the Community Appearance Commission. All Council Members voted in favor of this motion.

(b) Consideration of Main Street Advisory Board.

Information provided to Council explained that the city must create a Downtown Revitalization Commission to serve as the steering committee for the program. As discussed earlier, the program will be applicable to all three (3) of the traditional downtown areas.

The various groups to be involved have made recommendations for appointments. The following were proposed to make up the committee:

Jean Harrington – Member from the Historic Preservation Commission
Mary Sweeters – Member from the Community Appearance Commission
Wayne Tuggle – Member from the Planning Board
Peggy Goode – Member from Olde Leaksville Merchants
Becky Shomali – Member from Boulevard Merchants
Linda Wyatt – Member from Draper Village Merchants
Cindy Adams – Member from Chamber of Commerce
Joy Toms – At Large – Appointed by City Council
W.L. Pryor – At Large – Appointed by City Council

Mr. Mike Dougherty, Business Development Director, explained that as part of the Main Street application process they did have to create a board with representatives from Historic Preservation, Community Appearance, Planning Board, all three of the downtown areas that would be affected, the Chamber of Commerce and two members at large. They had before the Council those people from the different areas and commissions who had agreed to be a part of this board. He noted that the application had to be in by the 2nd of May.

Mayor Pro Tem asked what would happen to this commission if the application were not approved.

Mr. Dougherty replied that even if it were not approved they would want to continue on with revitalization.

Mayor Pro Tem asked if they would continue to represent their business areas towards revitalization.

Mr. Dougherty replied that he could not speak for the other commissions, however he did know that Historic Preservation was intimately involved for example in the Leaksville area. The three representatives from the merchant groups were all intimately involved with just trying to revitalize their downtowns alone, without this designation. He explained that these people had agreed to serve three-years, which was one of the stipulations for being considered.

Council Member Epps questioned who would chair this committee to which Mayor Pro Tem Grogan posed that the committee would select a chairperson from among themselves.

Mayor Pro Tem Grogan explained that they were making an application for the Main Street Program that had to be approved by the Department of Commerce, some have been approved, some have been declined, and that was the point that they wanted to make.

A motion was made by Council Member Epps seconded by Council Member Tudor to accept the appointments to the Main Street Advisory Board. All Council Members voted in favor of this motion.

Council Member Reynolds commented that it was a good list (of names) and Mayor Pro Tem Grogan added that it was great representation.

(c) Consideration of proposed Washington Street Park.

This item was pulled from the agenda.

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NEW BUSINESS:

(a) Consideration of request to adopt an ordinance for the demolition of a structure at 1291 South Avenue under the City of Eden Human Habitation Ordinance.

Mrs. Stultz explained that this was a structure that they had received a complaint on and it was processed through their Human Habitation Standards Ordinance. They gave the owner a 90-day repair or demolish order and they did not do that, so they were recommending that the Council adopt an ordinance to permit them to move ahead.

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

(b) Item Pulled.

(c) Consideration of request to adopt an ordinance for the demolition of a structure at 431 Henry Street under the City of Eden Human Habitation Ordinance.

Mrs. Stultz explained that again, they received a complaint and processed it through their Human Habitation Standards or Minimum Housing Code Ordinance. The owner was given a 90 day to repair or demolish order and after 90 days had not done that. She stated that he came in on the last day and asked for an extension and at this point, because no progress had been made, she did not feel that they should be the ones to grant that. She explained that she recommended that the City Council adopt an ordinance to allow them to pursue this.

Mr. Waverly Cousins, Jr., explained that he did receive a request back in the latter part of October, first of November that he rehab this particular piece of property or demolish it. At the time he had talked with the Inspector, they discussed the fact that the winter months were a very bad time of the year. He stated that it would have been a little difficult and at that time he did say that they would consider giving an extension or he would have to come before the City Council.

He explained that he was asking for an opportunity to extend his time. He noted that they had started working on it at one time and the gentleman who was working on it passed away. At this time, he stated that they were ready to go back and refurbish it and try to make it into a nice dwelling.

Council Member Epps asked if he had asked for a building permit before the 90 days ran out.

Mr. Cousins replied that he had a building permit he had acquired some time ago. They went in and put in the foundation where they were enlarging the structure, they had a permit at that time, however it may have expired. He noted that they had dug the footing and had that poured as well as laying the block for the part that was going to be there. He stated that they were ready now to pour the concrete slab.

He explained that his request was for an extension of 90 days, it would not be complete at that time but he wanted to have it in good shape. He also wanted to remind them that this particular winter season had been extremely difficult due to all the bad weather. He noted that was the primary reason nothing was done.

Mrs. Stultz added that since the time she had discussed this with Mr. Cousins, no new permits had been pulled and no progress had been made in the 90 days. She added that if the Council chose to grant him an extension, she recommended that they give it in a prescribed amount of time so that they would know when to bring it back to the Council.

Mr. Cousins pointed out that he thought the property would be an asset to the city. He stated that he requested that they give them that opportunity.

Council Member Gover asked if it would be a problem with the 90 days beginning that day (March 18th) and after brief discussion as to June 18th being the end of 90 days, Mr. Cousins

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replied that he thought that would not be a problem, however they could have some bad circumstances, as it could rain all of April.

Mayor Pro Tem Grogan stated that the City Council wanted to work with him, but they did need to see him come forth with their building inspectors and move forward with this project.

After some more brief discussion as to the deadline of the 90-days, it was determined that July 1st, would be a fair deadline.

A motion was made by Council Member Vestal seconded by Council Member Epps to approve an extension to be 100% complete as of July 1st, 2003.

Mayor Pro Tem Grogan questioned the legal ramifications.

Council Member Tudor posed this question to Mr. Cousins that if he worked hard for 30 days and did not do anymore after 30 days and July 1 rolls around and he had 60 days worth of work to be done, how was he going to feel when the city told him it was going to tear it down.

Mr. Cousins replied that if it was to be torn down at that time, he would prefer to tear it down himself, but his intent was to have a structure there.

Council Member Tudor explained that he just wanted to give him that scenario, that they expect it to be done but if it were half done he would not have recourse to come in and ask for more time.

Council Member Vestal asked the City Attorney to address that.

Mr. Medlin explained that the question before them was, if this gentleman puts out so many dollars into this property and at July 1 if he was not 100% complete, what was the position the city was going to be in, he thought that on July 1, the Planning Department would go out and see if he was in violation on this paper work and if not, then not, and he has completed it and was no longer in violation and as long as he has met his permit requirements then he has met his permit requirements. If he continues to be in violation then he was going to be out of luck out whatever his investment was.

Mrs. Stultz requested permission to check on it every 30 days and if no progress has been made then they bring it back. She explained that the neighborhood has been fairly distressed about this structure, so they would like to not leave it for another 90 days.

Mayor Pro Tem Grogan agreed that was understandable and Council Member Vestal asked to amend his motion to say that the inspectors do periodic inspections and if no progress has been made then the city take action at that time.

The motion was amended to read as follows: To approve an extension to be 100% complete as of July 1st, 2003 with the Code Inspectors to make periodic inspections (every 30 days) and if they find no progress being made, the city will take action at that time. All Council Members voted in favor of this motion.

(d) Consideration of Arbor Day Proclamation.

Mayor Pro Tem Grogan read the following proclamation in observation of Arbor Day.

ARBOR DAY PROCLAMATION

WHEREAS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, 2003 is the 131st anniversary of the holiday and Arbor Day is now observed throughout the nation and the world, and

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WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW THEREFORE I, John E. Grogan, Mayor Pro Tem of the City of Eden, do hereby proclaim April 5th as the 131st anniversary celebration of

Arbor Day

in the City of Eden, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 18th day of March, 2003

John E. Grogan

Mayor Pro Tem

- (e) Consideration of Consideration of request for voluntary annexation by Howard Tate:
- (a) Resolution directing the clerk to investigate a petition received under G.S. 160A-31.
 - (b) Certificate of Sufficiency.
 - (c) Resolution fixing date of public hearing on question of annexation pursuant to G.S. 160A-31, as amended a request for legal action for a zoning violation of property located at 216 The Boulevard.

Information provided to Council explained that Mr. Howard Tate brought in a petition for voluntary annexation and a request for rezoning on property located on Mebane Bridge Road. He brought the requests in using the name T&S Properties, LLC. Mr. Medlin's review of the public records indicates that the property is in Mr. Tate's name and not the firm name.

The request was to adopt the attached documents for the annexation and call the public hearing for the annexation in the name of Howard Tate to be held at the Council's regular April meeting. Also, they will have to wait to hold the public hearing on the zoning map amendment until the April meeting.

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31**

WHEREAS, a petition requesting annexation of an area described in said petition was received on January 23, 2003 by the City Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Eden deems it advisable to proceed in response to this request for annexation;

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

The City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

s/John E. Grogan
Mayor Pro Tem

ATTEST:

s/Kim J. Scott
City Clerk

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RESOLUTION OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-31, AS AMENDED

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made;

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

Section 1. That a public hearing on the question of annexation of the area described herein will be held at the City Council Chamber, 308 E. Stadium Drive at 7:30 o'clock, p.m., on the 15th day of April.

Section 2. The area proposed for annexation is described as follows:

HOWARD TATE

BEGINNING at an iron marking the intersection of the northern edge of the right of way for S.R. 2039 and the western edge of the right of way for Mebane Bridge Road (S.R. 1964), thence with the northern edge of the right of way for S.R. 2039, N. 66 deg. 39'56" W. 262.20 feet to an iron, thence a new line across parcel D as shown in M.B. 13, P. 86, N. 4 deg. 49'06" E. 385.42 feet to an iron on the bank of the Dan River, thence S. 69 deg. 38'57" E. 97.10 feet to a point, thence N. 88 deg. 26'35" E. 143.16 feet to a point, the northeastern corner of lot herein conveyed, thence S. 8 deg. 06'08" W. 40.73 feet to a point, thence continuing with the edge of the right of way for the Mebane Bridge Road (S.R. 1964), S. 7 deg. 09'23" W. 194.14 feet to a point, thence S. 1 deg. 51'02" W. 129.56 feet to a point, thence S. 4 deg. 45'07" E. 92.19 feet to a point, thence S. 10 deg. 43'40" E. 3.79 feet to an iron, the POINT OF BEGINNING and containing 2.173 acres as per plat of survey by William S. May, Jr., R.L.S., dated April 17, 1979. For a more perfect and accurate description, see said plat, a copy of which is recorded in Book 728, Page 39, Rockingham County Registry.

For further reference see D.B. 692, at page 461, in the office of the Register of Deeds of Rockingham County, NC.

SUBJECT to a 68' Right of Way Easement to Duke Power Company as shown on Map recorded in Map Book 13, Page 86, Rockingham County Registry.

Section 3. Notice of said public hearing shall be published in The Daily News, a newspaper having general circulation in the City of Eden, at least ten (10) days prior to the date of said public hearing.

APPROVED, ADOPTED AND EFFECTIVE this 18th day of March, 2003.

s/John E. Grogan
Mayor Pro Tem

ATTEST:

s/Kim J. Scott, CMC
City Clerk

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

(f) Consideration of contract between the city and Draper Volunteer Fire Department to lease concessions at Mill Avenue Park.

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

(g) Consideration of contract between the city and Spray Volunteer Fire Department to lease concessions at DeHart Park.

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

(h) Consideration of no parking study on Monroe Street.

Sgt. M.T. Frazier recommended that the City Council make the southbound portion of Monroe Street between the intersection of Taylor Street and Moncure Street a No Parking area and restrict the speed limit for the entire location of Monroe Street by posting the speed limit of 25 mph. There were other complaints of vehicles blocking driveways in this area; enforcing G.S. 20-162 can deter this violation.

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Council Member Tudor commented that he had talked to some of the citizens who live along Monroe Street and they did have a problem with parking on both sides of the street, some parking in front of driveways, there has been a problem with speeding on the street and this seemed to be a good possible solution to the problem. He asked everyone to support this.

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

Council Member Vestal asked if they needed to include the boundaries to clarify that in the motion.

Chief Benthin replied that it would be on Monroe Street between Taylor and Moncure Street.

The following was added to the motion: To approve the recommendation and to clarify that it included Monroe Street between Taylor and Moncure Street. All Council Members voted in favor of this motion.

(i) Consideration of a renewal contract regarding the Conduct of Municipal Elections for the City of Eden.

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

(j) Consideration of a boarding and euthanasia contract with Eden Veterinary Hospital.

Information provided to Council explained that the boarding and euthanasia contract with Eden Veterinary Hospital has expired. Currently, the city was paying \$1,311.27 per month for the services. The three-year contract called for an automatic 3% increase every year.

The Police Chief has talked with Dr. Glasscock. He wants an immediate increase to \$1,500 per month and a 3% increase on July 1. He also wants the term reduced from three years to two. As a compromise, he is willing to wait until July 1 for any increase in his fee, but if he does so, he wants \$1,550 per month.

Mayor Pro Tem noted that this would take the contract, effective July 1, to \$1,550 a month. This was the only bid that was received.

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

(k) Consideration of appointment of members to Eden Safety and Loss Control Committee.

Information provided to Council listed the following who were recommended for approval to serve on the safety committee.

Sammy Farmer – Police – 2 years
Sandra Duncan – Police – 2 years
Todd Harden – Fire – 1 year
Tammy Amos – Engineering – 2 years
Carlton Joyce – Streets – 1 year
Daryl Griffin – Solid Waste – 1 year
Tommy Carter – Fleet Maintenance – 1 year
Buddy Bowman – Finance/Billing/HR – 1 year
Rodney Johnson – Wastewater Treatment Plant – 2 years
Terry Shelton – Water Filtration Plant – 1 year
Wanda Angel – Recreation/Facility – 2 years
Deanna Hunt – Administration – 2 years
Jimmy Bolden – Planning/Inspections – 2 years
Bill Harvey – Collection & Distribution – 1 year
Dr. William McLeod – Citizen – 1 year
Ronnie Overby – Deputy Safety Coordinator – 1 year
Teri Clifton – Safety Coordinator – 2 years

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

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Minutes of the regular March 18, 2003 meeting of the City Council, City of Eden, continued:

(l) Consideration of Taxi Cab Franchise Application.

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

(m) Consideration of properties located at 812 and 808 Friendly Road:

- Declaration as surplus properties
- Approval for demolition
- Authorize offer for sale

Information provided to Council explained that on Saturday, February 22, 2003, the employee on call for the Collection and Distribution Division was called to 808 and 812 Friendly Road to investigate sewer backing up into 812. Subsequently, the employee discovered through his work that the residence at 808 was also impacted. It has been determined that the incidents were the result of abnormally high rainfall earlier in the day.

Mr. Dave Robertson, adjuster for the city's insurance carrier, has been handling the aftermath. Mr. Robertson determined that both houses were so severely damaged that they must be demolished. The property owner has agreed on a settlement price to cover the structures and the contents.

The City Attorney prepared the sales contract and will handle the closing. The real estate will be deeded to the city. At the present time, the city is receiving bids on the demolition and with Council's permission will then proceed with the removal of the houses and clearing the lots. The best price received so far is approximately 10,000 total for both properties. The value of the land based upon current tax records exceeds this amount.

On the advice of the City Attorney, staff was asking that the City Council declare both these properties surplus and authorize that both sites be cleared and then offered for sale.

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

PROCLAMATION:

Mayor Pro Tem Grogan read the following proclamation declaring the City of Eden in a State of Emergency.

PROCLAMATION DECLARING A STATE OF EMERGENCY

WHEREAS, Chapter 166A of the General Statutes and Article 36A Chapter 14 of the General Statutes of North Carolina, have determined that a State of Emergency as defined in the said ordinance exists in the City of Eden; and

WHEREAS, the City of Eden was severely affected by the ice storm that occurred on Wednesday, February 26th and Thursday, February 27th 2003.

WHEREAS, I, therefore proclaim the existence of a State of Emergency in the City of Eden; and

WHEREAS, over 5500 residents in the City of Eden suffered a loss of power that lasted from 1 to 5 days; and

WHEREAS, as well as power outages, the City of Eden has procured a number of expenses for the use of salt, sleet removal, tree and limb removal, and overtime manpower to provide its citizens with a safe environment;

THEREFORE, the City Council of the City of Eden does hereby declare and designate that a state of emergency existed in the City of Eden beginning Wednesday, February 26th, 2003, because of extreme weather conditions.

APPROVED AND ADOPTED this the 18th day of March, 2003.

CITY OF EDEN

BY:

s/John E. Grogan
John E. Grogan, Mayor Pro-Tem

s/Bill Vestal
Bill Vestal, Council Member

s/C.H. Gover, Sr.
C.H. Gover, Sr., Council Member

s/Garry Tudor
Garry Tudor, Council Member

s/Jerry C. Epps
Jerry C. Epps, Council Member

s/Christine H. Myott
Christine H. Myott, Council Member

s/Ronald Reynolds
Ronald Reynolds, Council Member

March 18, 2003

City of Eden, N. C.

Minutes of the regular March 18, 2003 meeting of the City Council, City of Eden, continued:

ATTEST:

s/Kim J. Scott

Kim J. Scott, City Clerk

9. CONSENT AGENDA:

(a) Approval of minutes: February 18, 2003.

(b) Approval and adoption of a motion to hold a public hearing to consider an ordinance to amend Section 11.31(h) – Signs – of the City of Eden Zoning Ordinance pertaining to maximum total area for permitted on-site signs. ZONING CASE Z-03-05.

(c) Approval and adoption of an ordinance amending Chapter 10, Section 10-1.5 of the Eden City Code.

(d) Approval and adoption of an ordinance amending Chapter 12, Section 12-58 D of the Eden City Code.

(e) Approval and adoption of a resolution approving financing terms for purchase of the new fire engine.

RESOLUTION APPROVING FINANCING TERMS

WHEREAS, The City of Eden (the “City”) has previously decided to purchase a Top Mount Pumper Fire Truck (the “Project”), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The City hereby determines to finance the Project through Branch Banking and Trust Company (“BB&T”). The amount financed shall not exceed \$149,538.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.27%, the annual payments shall not exceed \$32,904.44, and the financing term shall not exceed five (5) 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. The City Manager is hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as he 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, but not be limited to: (i) Financing Agreement, (ii) Project and Fund Agreement, (iii) Closing Certificate, and (iv) Use of Proceeds Certificate.

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 the City Manager, 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 officer. 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.

4. The City shall not take or omit to take any action the taking or omission of which will cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its 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).

5. 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. This resolution shall take effect immediately.

Approved, adopted, and effective this 18th day of March, 2003.

CITY OF EDEN

s/John E. Grogan

Mayor Pro Tem

ATTEST:

s/Kim J. Scott, CMC

City Clerk

March 18, 2003

City of Eden, N. C.

Minutes of the regular March 18, 2003 meeting of the City Council, City of Eden, continued:

- (f) Approval and adoption of Engineering Policy ENG-1, Private Utility Lines Within Public Right of Ways.
- (g) Approval and adoption of Engineering Policy ENG-2, Engineering Approval of New Waterlines, Sanitary Sewer & Storm Drainage Improvements, and Roadway Construction by Private Developers.
- (h) Approval and adoption of Engineering Policy ENG-3, Project Change Approval Authority.
- (i) Approval and adoption of elimination of D.E.E.S. – 7 Policy (ENG-7), No Fee Concrete Curb Cut Curb Radii & Approach Pad Provision – Privately Constructed Sidewalks.
- (j) Approval and adoption of Conversion of policy ENG-5 to ordinance form.
- (k) Approval and adoption of late and reconnect fees relating to dumpster accounts.
- (l) Approval and adoption of City Slogan – Eden: Land of Two Rivers.
- (m) Approval and adoption of a resolution to amend the City Charter.
Note this item was pulled from the Consent Agenda for discussion.

RESOLUTION AMENDING THE CITY CHARTER

BE IT HEREBY RESOLVED, that the City Council of the City of Eden, North Carolina, does hereby declare its intention to amend the City Charter as follows:

Sec. 3.3 (d) The last word “town” is hereby changed to “city”.

Sec. 3.4 COMPENSATION is deleted in its entirety and insert in lieu thereof the following:

The Council may fix its own compensation and the compensation of the mayor and any other elected officers of the city by adoption of the annual budget ordinance as provided by law.

Sec. 3.5(a) The first sentence is hereby changed to read as follows:

The Council may fix the date and time of its organizational meeting, provided it shall not be later than the date and time of the first regular meeting of the Council in December after the results of the municipal election have been certified.

Sec. 3.6.1(a) and (b) is hereby changed to read as follows:

(a) Regular meetings. A schedule of the regular meetings shall be filed in the office of the city clerk and shall be posted at city hall.

(b) Special meetings. Notice of special meetings shall be delivered to the mayor and each councilman or left at his usual dwelling place at least forty-eight hours before the special meeting. In addition, notice of a special meeting shall:

(1) Be posted at city hall; and

(2) Be mailed or delivered to each news medium that has requested such special meeting notice. News media asking for special meeting notice shall annually request such notice in writing, filing the request with the city clerk and paying an annual fee as established by the council to cover the costs of providing the notice.

Sec. 4.3 FILING OF CANDIDATES is hereby deleted since all municipal elections are now covered under Article 23 of Chapter 163 of the General Statutes (See § 163-284).

Sec. 5.2 The word “all” in the fifth line as used in the phrase “to attend all meetings of the council” is deleted.

Article VII is hereby deleted in its entirety.

This Resolution is effective upon its adoption this 18th day of March, 2003.

March 18, 2003

City of Eden, N. C.

Minutes of the regular March 18, 2003 meeting of the City Council, City of Eden, continued:

CITY OF EDEN

BY: s/John E. Grogan
Mayor Pro Tem

ATTEST:

s/Kim J. Scott, CMC
City Clerk

Council Member Vestal asked to have discussion on Consent Agenda item 9(m).

A motion was made by Council Member Tudor seconded by Council Member Gover to approve the Consent Agenda items a,b,c,d,e,f,g,h,i,j,k, and l. All Council Members voted in favor of this motion.

(m) Approval and adoption of a resolution to amend the City Charter.

Mayor Pro Tem Grogan explained that he thought the City Council had requested this a few years ago.

Council Member Vestal questioned 9-3.5 stating that the Council may fix the date and time of its organizational meeting. He explained that he had questioned the original charter right after the election. He stated that if you turn to page 7, it states that the organizational meeting of the Council shall be the first regular meeting after the regular city election. The organization of the Council shall take place notwithstanding the absence and so on and it states the same thing. He explained that his question was on the new terminology here was which Council was going to fix the date, the old Council or the new. He stated that if you looked at the original charter, he saw no reason to change the wording except to add at the end of the first sentence, after the regular city election has been certified, it plainly states when you should have the organizational meeting. He pointed out that they just have not been abiding by that.

Mr. Medlin explained that the reason on that, first of all, as the charter was originally written, it required that organizational meeting to be the first regular meeting after the regular city election. In answer to his first question, the organizational meeting by definition was going to be by the new Council, because they were organizing themselves. That organizational meeting does not necessarily have to be at the first regular meeting, it could be at the first special meeting called by the Council. Their charter currently does not allow that. The change would allow a special meeting after the election in December or whatever, but at the very latest it would have to be at the first regular meeting in December.

Council Member Vestal questioned that if the Council had not been sworn in how can the Council meet.

Mr. Medlin replied that the Council would meet. They would call their meeting at that meeting. It was done at the same time, the notice was given that the organizational meeting will be.

A motion was made by Council Member Gover seconded Tudor to approve item 9(m) a resolution to amend the City Charter. All Council Members voted in favor of this motion.

ORDINANCES AND RESOLUTIONS:

(a) Consideration of adoption of an ordinance amending Section 11.26(c) – the Board of Adjustment section of the Zoning Ordinance – to create a special use permit for carports in the front yard in residential districts. ZONING CASE Z-02-12.

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

(b) Consideration of adoption of an ordinance closing an unopened portion of Monticello Street. STREET CLOSING SC-03-01.

March 18, 2003

City of Eden, N. C.

Minutes of the regular March 18, 2003 meeting of the City Council, City of Eden, continued:

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

(c) Consideration of adoption of an ordinance for the demolition of a structure at 1291 South Avenue.

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

(d) Item Pulled.

(e) Consideration of adoption of an ordinance for the demolition of a structure at 431 Henry Street.

This item was pulled.

(f) Consideration of adoption of an authorizing resolution by the City of Eden, Supplemental Grants Program (Railroad Pumping Station)

A motion was made by Council Member Gover seconded by Council Member Myott to adopt the resolution. All Council Members voted in favor of this motion.

(g) Consideration of adoption of an authorizing resolution by the City of Eden, Supplemental Grants Program (Cascade Avenue/Main Street)

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

VOUCHERS:

No discussion on vouchers.

ADJOURNMENT:

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

Respectfully submitted,

Kim J. Scott
City Clerk

ATTEST:

John E. Grogan
Mayor Pro Tem