

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, May 20, 2003 at 7:30 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meetings were as follows:

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

MEETING CONVENED:

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

INVOCATION:

Lemuel Hardison, Pastor, Central Christian Church, was present to give the invocation.

RESOLUTION:

Mayor Price asked Judge Ed Wilson and wife Laurie to come forward. He then read the following resolution honoring Judge Wilson's father, Dr. Edwin Graves Wilson:

**RESOLUTION**

**WHEREAS**, Dr. Edwin Graves Wilson is a native of Leaksville, North Carolina with family roots in the Intelligence community having been educated in the Public Schools of Leaksville and graduating with a Bachelor of Arts Degree Summa Cum Laude from Wake Forest College in 1943; and

**WHEREAS**, Dr. Edwin Graves Wilson served in the United States Navy during World War II as an Ensign, and then Lieutenant, Junior Grade, serving in the Pacific; and following the war, he received his Master and Doctorate Degrees from Harvard University and returned to his beloved Alma Mater where he has been a member of the Faculty since 1951, was named Professor of English in 1959, and has continued to serve Wake Forest University in important positions such as Assistant Dean of the College, Acting Dean of the College, and Dean of the College, Provost for twenty three years (1967-1990), and Vice-President for Special Projects, and currently as Senior Vice-President and Faculty Athletic Chairman; Dr. Wilson has been called the "heart, soul, spirit, and character of Wake Forest University;" and

**WHEREAS**, Dr. Edwin Graves Wilson is widely recognized in academia as one of the most distinguished college professors in the United States, having authored Keats, Shelley, Byron, Hunt and Their Circle, a Bibliography, as well as other learned articles, and has received an honorary Doctor of Literature Degree from the University of North Carolina at Greensboro; and

**WHEREAS**, Dr. Edwin Graves Wilson has served as a member of the Board of Trustees of Belmont Abbey, Board of Advisors of Elon College, Board of Development of Lenior-Rhyne College, Board of Trustees of Winston-Salem State University, Board of Reynolda House, North Carolina Arts Council and Board of Directors of the North Carolina School of the Arts; and his community service has included serving as President of the Piedmont Opera Theatre, Winston-Salem Arts Council, Southeastern Center for the Contemporary Art, Red Shields Boys Club, the Winston-Salem Rotary Club, as Faculty advisor for Wake Forest to the Atlantic Coast Conference, and President of the Atlantic Coast Conference; Dr. Wilson has been honored by Governor Easley as one of North Carolina's Citizens of the year; and,

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**WHEREAS**, Dr. Edwin Graves Wilson is married to the former Emily Louise Herring of Columbus, Georgia, who is an author of several books; they have three children, Edwin G. Wilson, Jr., a Superior Court Judge for the 17A Judicial District who lives in Eden, Sara Elizabeth Wilson, and Julie Cathleen Wilson; and he is an active member of the St. Paul's Episcopal Church in Winston-Salem.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Eden, North Carolina, that Dr. Edwin Graves Wilson whose attainments have reflected so well on himself, his family and his native City of Eden is hereby honored for his academic accomplishments, his military service in defense of liberty and freedom, his substantial community service, his devotion to his family, and his lifelong commitment to excellence and to the service of others.

APPROVED AND ADOPTED this 20<sup>th</sup> day of May, 2003

CITY OF EDEN  
BY: s/Philip K. Price  
Philip K. Price, Mayor

ATTEST:

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

Judge Wilson expressed gratefulness for the recognition of his father.

ADDITIONS OR DELETIONS TO AGENDA:

Mayor Price asked the Council to pull Item 7(a), which was: Consideration of a request to adopt an ordinance for the demolition of 421 Henry Street.

A motion was made by Council Member Tudor seconded by Council Member Gover to remove Item 7(a) from the agenda. All Council Members present voted in favor of this motion. This motion carried.

RECOGNITION:

Mayor Price recognized Mrs. Clayton Nation's fourth grade class and explained that they had been studying government and attended the Council Meeting to see government in action.

PUBLIC HEARINGS:

There were no public hearings scheduled for May.

MONTHLY FINANCIAL REPORT:

(a) Financial Report.

A motion was made by Council Member Gover seconded by Council Member Myott to accept the Financial Report. All Council Members present voted in favor of this motion. This motion carried.

REQUESTS AND PETITIONS OF CITIZENS:

Mr. Daryl Law addressed Council:

Mr. Daryl Law asked for some clarification on a news article from the Eden Daily News, on Tuesday, May 13, 2003. He quoted, "A significant part of economic development concerns special events. The City of Kernersville realized well over \$110,000 from every three-day ball tournament at its city." He stated that this was a primary incentive for Eden to build its own ballfields. That prompted some interest so he did some research. He explained that the Chief Financial Officer and the Director of Parks & Recreation for the City of Kernersville, advised him that for the year of 2002, they realized a total income of approximately \$20,000 out of the

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use fees for their ballfields and facilities. They recognized \$32,000 out of concession sales, which for the total year of 2002 was a total income of \$52,000 before expenses. He explained that it was \$52,000 less expenses, that was the cost of concessions and salaries, and was contributed along with funds out of the parks & recreation general budget toward the debt retirement of land purchases and the concession building bank notes. They were very adamant that they did not realize any profit whatsoever.

He pointed out that they were continually getting information that the City of Eden was going to see well over \$100,000 a year in profit from the City Park. He added that he was not against the City Park but he thought they needed to stop with the economic situation like it was and really consider expenditures. Given this income, if they built a \$4.3 (million) park it would take them approximately 46 years to retire the debt on nothing but that land and the concession stands if they did not have any other expenses such as the candy, drinks and so forth and the salaries of the concession people. He stated that he thought it was wrong to be putting out information that they were going to be making over \$100,000 and comparing it to Kernersville when they said for the year 2000 the total income for their City Park was \$52,000. He asked if they could explain that difference.

Mayor Price replied that he was sure the Parks & Recreation Director, Mr. Conner, would be happy to respond. He added that any town that he had a pleasure to ask this question to was that the actual fees that come from a recreational facility in terms of joiner's fees and those type of things were just absolutely minimal compared to the economic impact of them coming to the community bringing their family and their friends. If there has been a problem with the way this thing has been portrayed they could take care of that, but at least he understood it that way. He noted that Mr. Law was correct, they were low, but the real money that comes to the community were for the people who come to the restaurants and motels, who buy goods and services, that was where the return comes from.

Mr. Law stated that he understood that there was more income created as a result of it, but the way it was stated in the paper and the way some Council have said, they (the City of Kernersville, the government) realized over \$100,000 profit.

Mayor Price replied that the City of Kernersville provided them with a lot of information with regard to this project and they could certainly identify it. He stated that the money that comes from people coming to the community and spending, resulting in sales tax contributions and that type of thing, comes back to the city government from that.

Mr. Jim Smith addressed Council:

Mr. Jim Smith, Indian Hills, explained that he questioned the annexation. Number one, he received a letter from the city and his first question was, when going out Hwy 770 and turning out Hwy 135, why was Chilton's old used car lot not incorporated into this.

Mrs. Stultz, Director of Planning & Inspections, explained that it was already inside the city limits.

Mr. Smith stated that he really believed they were doing this at the wrong time. He pointed out that businesses had closed up, and those people were the ones who probably live in these areas that they want to annex. They were suffering already and now they wanted to add another burden on them, including himself. Some of those developments, the people who own the developments have not even recouped the money that they have put out to do this. He stated that he was just asking them to think it over before they did this because there was a lot of people who could not afford the extra taxes.

Mr. Smith stated that they wanted businesses to come to Eden. He pointed out that coming down Hwy 14, across the river, the first thing you would see was M.L. Hyler's Chopper Shop. Every window in it was broken out. The windows were not boarded up, it had ply board stuck up against it. Then the mobile home place on the left, it seemed like instead of having a nice mobile

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home out front, they want to show you that they traded for one so they park that junk on the front row.

They wanted people to come to Eden, but they would not clean up Eden. They could drive through the city and they have buildings that were boarded up and have been boarded up for years. He noted they have passed a new thing that if grass was 12 inches high they were going to fine them or have it mowed. He stated that he realized they have had a tremendous amount of rain, and the grass was growing fast, but he bet there was not anyone in the room there that the grass was 12 to 24 inches high.

Mr. Smith stated that all he asked was that before they start annexing take care of what they had now. He stated that when he moved to Indian Hills, three Council Members told him that it would be approximately 10 years before they were annexed. He stated that this was just not the right time. The city did not have to come out there and ask them to get rid of junk cars or mow their yards. The city would not even have to put up streetlights; they were already there. He stated that to him, all they were wanting was their money. He suggested that they straighten up what they have in Eden and show them that was what they wanted and yes he was sure they would be proud to be a part of Eden.

Mr. Jimmy Davidson addressed Council:

Mr. Jimmy Davidson, Indian Hills, explained that he had lived here since 1948. He loved Eden and it was a wonderful place to live, especially Indian Hills. He stated that he was in the hardware business on Washington Street for about 38 years. He explained that he was opposed to annexation in two ways. He objected to it personally and it was also just not the right time.

Mr. Davidson stated that he felt they were really being annexed for the money. He explained that they started Indian Hills about eight or nine years ago and nothing out there would perk. So, he got together with Bud Roberts and Ed Gunn and formed a little corporation to develop it. They came to the City Council and got permission to put the streets in and the sewer, and they started out doing that. They went ahead and borrowed a lot of money and got along pretty good for a while. He noted that lot sales were not as good as what they would like for it to have been, but times have not been as good in Eden as they should have been. The mills and things have been moving out. They have a beautiful area out there and this did not come easy. There was a lot of hard work done out there. He stated that he thought they should really and truly rethink this thing. The industrial park was three or four years away. He stated that he did not see that that had anything to do with the industrial park. He thought the industrial park would come, but it would be a while and he thought the City Council should put it off. He stated that they started it off and did Phase II and went and borrowed more money and they still owe money. He questioned that if they annexed them, would the city pay them back that money. He closed by asking them to reconsider this.

Mr. Gerald Harris addressed Council:

Mr. Gerald Harris, Indian Hills, explained that he was also against the annexation. He felt that the city needed to look more industrially to get money in and he felt they just wanted to take Indian Hills in just to get their money. He just built a new home. He had lived in Eden all his life and had paid city and county taxes for forty some years. He thought that maybe if he moved to Indian Hills he might have four or five years and now this came up. He stated that he thought they should look over this situation and consider them. It was a nice development and he enjoyed living there. He stated that he felt they were being taken advantage of and asked them to look over this annexation and help them out.

UNFINISHED BUSINESS:

- (a) Consideration of a request to adopt an ordinance for the demolition of 431 Henry Street.

This item was pulled from the agenda.

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NEW BUSINESS:

(a) Consideration of traffic study on Haizlip Street.

The memorandum to Council explained that on April 21, 2003, the police department received a request from Engineering Projects Manager, Tammy Amos, in the name of Billy Vestal. The request involved a traffic study of adopting Haizlip Street as a one-way street.

Sgt. M.T. Frazier recommended that Haizlip Street be posted, as a one-way street east bound from the intersection of Roosevelt Street toward the intersection of Chatham Ct. This one-way direction would relieve the already congested intersection of Roosevelt Street and Aiken Road.

Council Member Vestal explained that Ms. Amos contacted him as a citizen who lived on this street wanted to check on the feasibility of making this a one-way street.

A motion was made by Council Member Vestal seconded by Council Member Gover to approve the recommendation to post Haizlip Street as a one-way street. All Council Members present voted in favor of this motion. This motion carried.

(b) Consideration of legal action for a building at 202 Roosevelt Street.

The memorandum provided to Council explained that the Codes Inspector declared that a building at 202 Roosevelt Street be condemned based upon the North Carolina State Building Code.

This department has completed the administrative enforcement proceedings and the owner has failed to comply with the inspector's order to take corrective action to abate the violation.

The department requested the City Council to authorize the City Attorney to initiate legal enforcement proceedings to correct the unsafe building.

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

(c) Consideration of a Resolution of Intent to close a portion of Ninth Street.

RESOLUTION OF INTENT TO CLOSE AN UNOPENED PORTION OF NINTH STREET

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

Pursuant to the provisions of Chapter 13, Article III, Division 3 and Section 13-88 of the Eden City Code and Section 160A-299 of the North Carolina General Statutes, the City Council of the City of Eden, North Carolina, does hereby declare its intention to close the following described unopened street.

Ninth Street

BEGINNING at an existing iron stake in the west right of way line of Union Street, said iron marking the southeast corner for Walter R. & Nina P. Hylton (Deed Book 599, page 649); thence with the west right of way line of Union Street, South 03° 36' 17" West 40.00 feet to an iron stake; thence with the south line of 9<sup>th</sup> Street, North 86° 11' 39" West 171.06 feet, more or less, to an existing iron stake; thence North 03° 36' 17" East 40.00 feet to an existing iron stake; thence South 86° 11' 39" East 171.06 feet to an existing iron stake, the POINT OF BEGINNING and being designated as 9<sup>th</sup> Street (existing street) as shown on the plat of survey for Mitchell B. Wilson, Leaksville Township, Rockingham County, North Carolina, dated April 7<sup>th</sup> 2003, by C.E. Robertson & Associates, P.L.S.

BE IT FURTHER RESOLVED that the City Council does hereby call for a public hearing on the said closing to be held on the 17<sup>th</sup> day of June 2003 at 7:30 p.m.

BE IT FUTHER 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 Rockingham County Tax Records, and prominently posted in at least two (2) places along said street.

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

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APPROVED, ADOPTED AND EFFECTIVE, this 20<sup>th</sup> day of May, 2003.

CITY OF EDEN

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

ATTEST:

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

A motion was made by Council Member Tudor seconded by Council Member Myott to approve this resolution and to call a public hearing. All Council Members present voted in favor of this motion. This motion carried.

(d) Consideration of a request to initiate a text amendment to the Zoning Ordinance regarding “bed and breakfasts”.

Council Member Tudor explained that the city’s bed & breakfast ordinance allows for the preparation of breakfast for their guests. The bed & breakfast on Boone Road has received requests to have civic meetings, such as a garden club, that have asked them to serve refreshments. They have also been asked to cater a wedding. He explained that the city’s zoning ordinance did not allow that so he wanted to initiate an amendment to the zoning ordinance provisions relating to bed & breakfasts to permit preparation of food in hosting occasions for persons other than residents of the home and overnight guests.

In response to a question by Mayor Price, Mrs. Stultz replied that this request would go to their department and the Planning Board and they would make a recommendation and then it would come back to Council.

Council Member Myott questioned parking.

Mrs. Stultz replied that she had not looked at the parking any further. The bed & breakfast already required that anybody that was there had to be able to park on site. She stated that she assumed that they would continue to require that for any use on the property. She then referred to a similar use in the community and that was The Farabee, which received a special use permit for private recreation use and they do that sort of thing and all of their parking was required to be onsite.

Council Member Tudor added that the owner informed him that he felt that they would have no trouble parking onsite.

Council Member Vestal questioned the deal on The Farabee regarding the preparation of food.

Mrs. Stultz replied that was a different kind of use. It was a private recreation use and they did prepare food and they have baby showers, dinner parties and those kinds of things. But, that was a different special use permit. She added that they would try to find out what other communities do.

A motion was made by Council Member Tudor seconded by Council Member Epps to approve this request to initiate an amendment to the zoning ordinance provisions relating to bed & breakfasts to permit preparation of food in hosting occasions for persons other than residents of the home and overnight guests. All Council Members present voted in favor of this motion

(e) Consideration of water main extension request – Dan River Water., Marion Ridge, Phase 4.

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The memorandum explained that the Engineering Department had received and reviewed plans submitted by Dan River Water, Inc., for a proposed water main extension to serve Phase 4 of the Marion Ridge subdivision located off Ashley Loop.

Plans prepared by William E. Mitchell, PE, indicate that about 960 feet of 2" PVC water main was to be installed along a private road. Only four large lots are to be served by this main according to the Rezoning Sketch Plan submitted.

The Engineering Department recommended that the proposed water main extension request for the above subdivision phase be approved.

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

9. CONSENT AGENDA:

(a) Approval of minutes: April 15 and 28<sup>th</sup>, 2003.

(b) Approval and adoption of a motion to hold a public hearing at the June 17<sup>th</sup>, 2003 City Council meeting on the proposed 2003-2004 budget.

(c) Approval and adoption of a Resolution Supporting the Mayo River State Park.

**RESOLUTION  
SUPPORTING THE  
"MAYO RIVER STATE PARK"**

**Whereas**, the Mayo River exhibits unique recreational, biological, geological and historic resources which should be preserved; and

**Whereas**, eco-tourism generated by a state park would enhance the local economy; and

**Whereas**, Rockingham County Future Development Task Force Report recommended that the county develop a county-wide parks, recreation, open space and greenways master plan.

**Whereas**, The North Carolina Division of Parks and Recreation has selected the Mayo River as two of thirteen potential new state parks;

**NOW, THEREFORE, BE IT RESOLVED**, that the Eden City Council go on record as endorsing and recommending the establishment of the Mayo River State Park in Rockingham County, and pledge to coordinate on-going efforts with the North Carolina Division of Parks and Recreation and support the development of a master plan for the Mayo River State Park.

Adopted this the 20<sup>th</sup> day of May, 2003.

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

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

(d) Approval and adoption of a motion to hold a public hearing and to consider an ordinance to amend Section 11.26(3)(a) the Board of Adjustment section of the City of Eden Zoning Ordinance to deal with special use permit applications where a zoning violation exists. ZONING CASE Z-03-07.

(e) Approval and adoption of a request for legal action for debt collection.

Attached to a memorandum from the Planning Director was a list of fees billed for nuisance clean ups that have not been collected. The request was to authorize the attorney to begin legal proceedings to collect the fees.

(f) Approval and adoption of a motion to hold a public hearing on June 30<sup>th</sup>, 2003, for

May 20, 2003

City of Eden, N. C.

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Annexation.

(g) Approval and adoption of a motion to use drug forfeiture funds for construction of a wash pit.

The memorandum from the Police Department requested a wash pit and storage lot constructed on the south side of City Hall. The combination wash pit/storage lot would function as a location to clean the police vehicles as well as store evidence too large to put in the property room. The cost of the entire project was projected to be \$7,185. The funds used to pay for this project would come from the drug forfeiture account.

A motion was made by Council Member Epps seconded by Council Member Tudor to approve the Consent Agenda, items a-g. All Council Members present voted in favor of this motion. This motion carried.

VOUCHERS:

No discussion on vouchers.

ADJOURNMENT:

A motion was made by Council Member Vestal seconded by Council Member Myott to adjourn. All Council Members present voted in favor of this motion. This motion carried.

Respectfully submitted,

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Kim J. Scott  
City Clerk

ATTEST:

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Philip K. Price  
Mayor