

CITY OF EDEN, N. C.

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

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

MEETING CONVENED:

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

INVOCATION:

Pastor Paul Talley, Hampton Heights Baptist Church, was present to give the invocation.

ADDITIONS OR DELETIONS TO AGENDA:

A motion was made by Council Member Vestal seconded by Council Member Grogan to add consideration of taxi cab permit request to New Business. All Council Members voted in favor of this addition to the agenda under New Business.

PUBLIC HEARINGS:

(a) Consideration of amending the city's FY02 Community Development Program.

Mayor Price asked Mrs. Kelly Stultz, Director of Planning and Inspections, to come forward for a report.

Mrs. Stultz explained that the city received grant funding from the State of North Carolina for the Flint Hill Community. One of the things that was done as a part of that was the purchase of land where there was a former mobile home park and now belongs to the city and then the property was cleared. They then received permission from the State through the Department of Commerce to process the funding for removal of those mobile homes through the grant fund. That was not originally a part of the grant, so in order to do that, they have to hold a public hearing to receive permission to amend the grant.

Mayor Price called for a public hearing and asked if there was anyone who would like to speak in favor or in opposition to this request.

As no one came forward to speak in favor or in opposition, Mayor Price declared the public hearing closed.

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

MONTHLY FINANCIAL REPORT:

(a) Financial Report.

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

REQUESTS AND PETITIONS OF CITIZENS:

No one spoke at this time.

UNFINISHED BUSINESS:

No unfinished business.

NEW BUSINESS:

(a) Consideration Planning Organization Appointments and Reappointments.

Each year at the December meeting, the City Council makes appointments and reappointments to the various boards and commissions of the city's planning organization. Each member of these groups is appointed for a three (3) year term. The terms are staggered so that only a portion of the terms are completed each year.

Mrs. Stultz explained that they have provided a report detailing attendance and records of members, and vacant positions because of term expiration or attendance problems. This was really just for review as Council at next month's meeting would begin the process of appointing members.

Council Member Vestal congratulated her on this report and it was very important that the people they appoint attend the meetings.

Council Member Grogan also recommended that she get a copy to the newly elected officials so that they could see what was facing them and they would not have to wait a week before they jump into it.

No vote was required.

(b) Consideration of Washington Street Landscape Bids.

The memorandum presented to Council explained that bids were received for the landscaping of the Washington Street Park at the corner of Washington and Henry Street. The cost was broken out for retaining wall and fill dirt, as they plan to use prison labor for the work. With this cost taken out, the bids are \$7,950 from Lewis Nursery and \$14,500 from Irving Farms. Both contractors have done work for the city and do excellent work. The Department recommended that the city accept the lower bid from Lewis Nursery.

A motion was made by Council Member Grogan seconded by Council Member Tudor to approve the request (low bid, Lewis Nursery, \$7,950).

Council Member Vestal questioned how much the cost to the City of Eden would be.

Mrs. Stultz replied that when it was originally discussed, one of the things that the boards and commissions and the merchants had said was that they were not going to be asking for money. Staff and particularly Debbie Galloway (Planner) wrote a grant proposal and received \$8,100 in funding for that. One of the things they knew, the Leaksville Merchant's Association, the Tree Board, the Appearance and Preservation Commission have each agreed to contribute up to \$1,500 to the cost of this park. In addition, donations have been offered from some of the garden clubs both volunteer labor and benches, a permanent Christmas tree has been offered from a private individual and they plan to use prison labor for some of the site work. They were also going to try to get the groups together and have a fund raiser to defray some of the expenses.

Council Member Vestal stated, for clarification, that after completion, this would be maintained by the Merchant's Association.

Mrs. Stultz replied that they were going to help, but the final responsibility would be in the city's hands because the city owned the property.

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Council Member Grogan commented that he knew the city owned the property, but they talked to that group and he believed that the message they heard that night was that they would take care of it, it would not cost the taxpayers.

Mrs. Stultz explained that she thought they were planning to do weeding and that sort of thing. Originally when she made the first presentation they discussed mowing and that kind of stuff being done by city staff and included that limited maintenance in the current year's landscape maintenance contract.

Council Member Grogan noted that was generous to which Mrs. Stultz explained that was just because they all...to which Council Member Grogan pointed out that he did not vote to spend money for a park on Washington Street with taxpayer's money. They came and said they wanted it and asked if the city would give them the land or whatever.

City Attorney, Tom Medlin added that as he recalled, when he was dealing with Mr. Harrington on this matter, he had drafted some provisions which said that this was not going to be at any cost to the city, that the merchant's association would be looking after the park. He stated that they came back and said, "no that was not the way they understood it was to be, there was some money that was available that was going to help develop and it would not be entirely on their shoulders". He stated that it was his understanding they were going to go back and speak with Mrs. Stultz and then they came back and in it's final form which just has a restriction that it only be used for public park purposes and he did not think it mentioned maintenance in any kind of restricted covenants, but that they were going to participate in that maintenance, but ultimately and like what he was just saying a second ago, it was going to be the city's responsibility to maintain it if they did not do it, because the city owned the property and agreed to own it as a park.

Mrs. Stultz explained that to the best of her knowledge, originally they came to Council and there was some discussion about operating as a park and the city taking ownership with Mr. Medlin handling it. She stated that all of that process was not going along as quickly as some of the folks involved in the Merchant's Association would have liked due to the fact that she and her staff were putting the skids on them because they wanted to put stuff in there before the DOT had finished all the work with the drainage issues and before everything was cleared up with Mohawk and all of those facilities around there with drainage and all the work had to be done. They were not going to allow them to get in there and do stuff to spend money and have DOT come in and tear it up. She explained that then, what happened, suddenly they received a letter from Mr. Harrington and when all of the folks involved learned about that letter, then they decided that the original thing was what they wanted to do. She explained that they were given every effort to try and do what the Council intended. She added that if they wanted to hold off on this and go back to the merchants and see if they would agree to take care of all of the maintenance, she would be happy to try and do that.

Mayor Price stated that the request tonight was for the purchase of the landscaping...they were not specifically saying, but they could still open that door if they want to talk about the maintenance to which Mrs. Stultz agreed.

Council Member Grogan stated that he thought that would be a good issue for the new City Council.

Council Member Epps asked what kind of money they were talking about in the budget for this.

Mrs. Stultz replied that when they bid it out she put the mowing of that area in the whole thing and she did not get an exact cost for just that little area.

Council Member Epps asked if it had already been approved for the mowing a while back to which Mrs. Stultz replied yes, that was part of the contract in the last budget.

Mayor Price added that they would ask that it be brought back for further discussion.

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

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(c) Consideration of Taxi Cab Permit Request.

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

9. CONSENT AGENDA:

(a) Approval of minutes: October, 21, 2003.

(b) Approval and adoption of a motion to hold a public hearing and to consider an ordinance to amend the City of Eden Zoning Ordinance as it pertains to “automobile towing and temporary storage services”. ZONING CASE Z-03-15.

The memorandum to Council explained that the City Council at their regular meeting on October 21, 2003 initiated a zoning text amendment request to amend the City of Eden Zoning Ordinance as it pertains to “automobile towing and temporary storage services.” The Planning Board will consider the request at their regular meeting on November 25, 2003.

(c) Approval and adoption of a motion to hold a public hearing and to consider an ordinance to rezone property in Cascade Avenue in the city’s extraterritorial jurisdiction from Residential-12 to Industrial-2. ZONING CASE Z-03-16.

The memorandum explained that the city has received a request from William H. Stewart to amend the zoning map. The request is to rezone property on Cascade Avenue in the city’s extraterritorial jurisdiction from Residential-12S to Industrial-2. The Planning Board will consider this request at their regular meeting in November.

(d) Approval and adoption of awarding contract for Cascade/Main Waterline upgrade.

The memorandum explained that a Certified Bid Tabulation was received for the Cascade Avenue/Main Street Waterline replacement project. The bids were received October 29, 2003 at 2:00 p.m. A total of four (4) responsive bids were received. The lowest bid was from Mecklenburg Group, Inc., of Oxford, with a base bid amount of \$333,058.00. The consulting firm Dewberry & Davis, Inc., verified that all bids were correct and that all contractors were properly licensed.

(e) Approval and adoption of a motion to apply for PARTF Grant 2004.

The purpose of the memorandum was to receive permission from City Council to apply for a PARTF grant for \$500,000 on February 2, 2004. The facilities requested for the grant will be determined by the Park Committee, public meeting of the citizens of Eden and the Master Plan approved by City Council in 2000.

(f) Approval and adoption of a motion for acceptance of the bid and authorization for the City Attorney to complete the sale of the former park property on Highway 14N.

The memorandum explained that earlier this year the Eden City Council made the decision to sell the former park property on Highway #14. The first bidding process was nullified due to the failure of the buyer to complete the sale. The City Council accepted the first bid received from the Church of the Nazarene in the amount of \$193,916.03. Since that time, a new process of receiving bids has been completed. The final bidder was Pine State Group, Inc. Their bid was \$210,000.00 which is \$40,100 over appraisal and \$16,083.97 over the Church of the Nazarene bid. Staff would recommend that you accept this bid and authorize the City Attorney to complete the sale.

A motion was made by Council Member Epps seconded by Council Member Tudor to approve Consent Agenda items a, b, c, d, e, and f. All Council Members voted in favor of this motion.

VOUCHERS:

There was no discussion.

COMMENTS FROM CITY COUNCIL:

Council Member Vestal noted that since he had been on Council, they have questioned the work that the DOT did on the Highway 14 ramp, going up to Meadow Road and also the stoplight at Aiken Road and Highway 14 intersection. They were totally back the way they were before they complained. He asked if there was something that they could do to keep from having to come back and do this every two years.

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Mayor Price asked Mr. Corcoran to get with Mr. Mills of the NCDOT about this.

Council Member Reynolds added that they needed to look at Washington Street from Dicks Drive In to Klyce Street as well.

ADJOURNMENT:

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

Respectfully submitted,

Kim J. Scott
City Clerk

ATTEST:

Philip K. Price, Mayor