

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, April 20, 2004 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:	Christine H. Myott
Council Members:	Donna Turner
	Billy Vestal
	Jerry Epps
	C.H. Gover, Sr.
	Bruce Nooe
	Wayne Tuggle
City Manager:	Brad Corcoran
City Clerk:	Kim J. Scott
Deputy City Clerk:	Sheralene Thompson
City Attorney:	Tom Medlin
Representatives from Departments:	
Representatives from News Media:	Steve Lawson, <u>Eden Daily News</u>
	Mike Moore, <u>WLOE</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.

RECOGNITION:

Mayor Price welcomed Boy Scout Troop No. 505 of the Church of Jesus Christ Latter Day Saints and Boy Scout Troop No. 553 of the Central Church of Christ.

INVOCATION:

Council Member Jerry Epps was present to give the invocation.

PUBLIC HEARINGS:

There were no public hearings scheduled at this time.

MONTHLY FINANCIAL REPORT:

(a) Financial Report.

A motion was made by Council Member Tuggle seconded by Council Member Myott to approve the report. All Council Members voted in favor of this motion.

REQUESTS AND PETITIONS OF CITIZENS:UNFINISHED BUSINESS:

(a) Consideration of Planning Organization Appointment.

A motion was made by Council Member Tuggle seconded by Council Member Gover to nominate and appoint Ms. Margaret Reece to the Planning Board, Ward 6. All Council Members voted in favor of this motion.

(b) Consideration of Washington Street Park.

The memorandum to Council explained that construction of the proposed pocket park at the corner of Washington and Henry is about to begin. A survey was ordered just to be sure exactly what the City now owns. A copy of that

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survey was attached. There is a triangular piece of property at the rear of the proposed public space that was discovered belonged to Mr. and Mrs. Thomas Harrington.

The Harrington's have offered to give the property to the City. Mr. Harrington has prepared a deed for Council's consideration. A copy of this document was also attached for review.

Mrs. Kelly Stultz, Director of Planning & Inspections, explained that the staff had been working with several of their boards and commissions on a pocket park for Washington Street. When the survey was done, it became obvious there was a triangular piece of property that belonged to the Harrington's along the drainage way and near the rear of the building. She noted she had been asked if they could do it without the triangle. She explained that she and the City's Engineer took a look at it and has recommended that it would be best if they accepted it.

Council Member Tuggle asked if she saw any liability associated with this piece of property.

Mrs. Stultz replied that the drainage way there belonged to the DOT and the city owned a portion of the front end of the pipe. She added that the City Attorney could probably address the liability.

Council Member Vestal referred to the "swag" on the far side, away from Henry Street, and asked if that was a wet weather drainage ditch.

Mrs. Stultz replied that she did not know but she would find out.

Council Member Gover noted that it was a total of 222.25 square feet of land according to the map to which Mrs. Stultz agreed.

Council Member Nooe questioned what the benefit was for the City of Eden.

Mrs. Stultz replied that other than they would have some additional land and it may make maintenance of their wall and the fence when they get it up easier. She added that she did contact DOT and they said that it was their drainage way and their pipes. She noted that they had a lot of discussion about this; it began actually in the late 1990's and went on until recently. There were issues with DOT, the merchants down there, the property owners and particularly Mohawk. She stated that she believed this was one of those drainage ways that was really a relic, it goes down and under there and actually opened inside of the Mohawk plant in some places so Mohawk has had some concerns about it.

Council Member Tuggle noted that there was never any water that goes through there unless there was rain. He asked if that was correct.

Mrs. Stultz replied that to her knowledge it was not a stream, it was a drainage way, but there was usually some water in there.

Mayor Price commented that he had looked at it and when they consider the maintenance to the park, it certainly would be easier for maintenance to be able to have this sliver of land on there and just perform the necessary things to be done to keep that place looking nice over the years.

Council Member Tuggle added that he thought it was a nice gesture that they would even give it to them.

A motion was made by Council Member Nooe seconded by Council Member Vestal that the city respectfully decline the acceptance of the gift of the property.

A substitute motion was made by Council Member Epps seconded by Council Member Turner that the city accept the property as given.

Council Member Nooe asked if there would be any cost to the city for maintaining it. He assumed there would be a fence around this.

Mrs. Stultz replied that they were planning to put a fence up anyway.

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Council Member Nooe questioned that safety was not an issue because they would have the fence up there to which Mrs. Stultz replied yes and a retaining wall. Council Member Nooe asked if the people had access to their heating and air or was access to the building required other than front access for safety.

Mrs. Stultz replied she was not sure, the property owners would still own part of that in the rear of the building.

Council Member Nooe stated that there were the door exits and then there would be no where for them to go as they needed to leave them access to their building.

Council Member Vestal pointed out that for the past year Council has divested themselves in pieces of property throughout the city. Council Member Gover asked if they should be looking at this in a legal aspect.

The City Attorney, Tom Medlin, explained that he personally did not see a problem legally. The ownership of this pipe and the openness of it was an issue for the owner of the pipe which was the State. They have an easement across there and they were legally obligated to maintain that easement. The city has already stated it was going to put a fence up so they would be protecting anybody in the park from being in this open area, which they would do whether they owned that triangle piece or not, and as far as access, he did not know the answer to that question as far as if they were required to have double access, but he would note that the owner of the buildings was the same owner of the adjoining property so they owned all that property anyway. If they ever sell that property in front, they could grant access to the buildings across their own land. He added that he had been told that one benefit of having this piece of property was that as far as the city maintaining the park, it might be easier to actually get in there and maintain the rest of that park, if they have this, he did not know if that was the case or not. From a legal point of view he had looked over the deed and saw nothing wrong with it.

Council Member Vestal stated that on the drainage ditch, if they accept this "swag", if they go and fill this area in and it becomes a drainage problem then, he asked if they would have to go back and dig it up and put pipe in it.

Mrs. Stultz replied that at this point Mr. O'Dell's staff was working with their contractor to do the dirt moving and she was certain he would keep an eye on it.

Action on the substitute motion was as follows: Council Members Myott, Turner, Epps and Tuggle voted in favor of this motion. Council Members Gover, Vestal and Nooe voted in opposition. This motion carried.

Mr. Medlin pointed out that this motion was to substitute and now it would become the main motion.

A motion was made by Council Member Epps seconded by Council Member Myott to accept the gift to the City of Eden (for the park). Action was as follows: Council Members Myott, Turner, Epps and Tuggle voted in favor of this motion. Council Members Gover, Vestal and Nooe voted in opposition. This motion carried.

(c) Consideration of avoiding the demolition and saving the archway and city-cause-way of the 87 bridge.

This item was withdrawn.

NEW BUSINESS:

(a) Consideration of a traffic study of Henry Street/Jay Street and adoption of ordinance.

The memorandum to Council explained that as per the request of the Honorable Chris Myott, a traffic study was conducted at the Henry Street and the Jay Street intersection. The study consisted of regulating parking on Jay Street because of congestion and the safety factor for the existing preschool at Leaksville United Methodist Church.

This is a busy part of our business district whose side streets are often used by motorists as short cut to other streets, such as Hamilton Street and Bridge Street. Since the preschool's existence, parents that drop-off and pick-up

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students park on both sides of Jay Street. When there is parking on both sides of Jay Street, this narrows the roadway to a one-lane road and creates blind spots for motorists and pedestrians.

The preschool located at Leaksville United Methodist presently serves fifty children and several staff members. This may not appear to be a large number, but it is for this small-congested area.

The recommendation of the police department is regulate parking on the westbound side of Jay Street from the intersection of Henry Street to the end of Leaksville United Methodist Church parking lot and restrict the parking Monday through Friday from 9:00 a.m. until 1:00 p.m. This will not affect the church on Sundays or any of the local residents. This would force motorists to utilize the existing parking lot for this area and eliminate some of the existing vision obstructions for motorists and pedestrians. We spoke to and included the preschool staff members in this consideration and they are in agreement.

This consideration is comparable to a parking ordinance that was adopted by a city council September 18, 1979 on the Cook Block located on Morgan Road.

Council Member Vestal commented that he actually bumped into Officer Frazier one day and mentioned that he did not have a problem with the study, but they were penalizing the church in a degree as far as funeral services. He pointed out that it was clear on Sundays, but of course funerals could be Monday through Friday. He asked if they could an exception in there.

Mayor Price stated that was a good point and referred the request to the City Manager.

Mr. Corcoran replied that he had talked with Council Member Vestal about it, the fact that they could not put that on the sign and how they could say there was no parking 9:00 to 1:00 except for a, b, and c.

Council Member Nooe suggested they do as the Fire Department. When the fire hydrants were out of service they were bagged. He asked if they could bag the signs on days when they have funerals.

Mr. Medlin replied that he would have to look into that and Mayor Price asked if he would look into it.

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

(b) Consideration of a traffic study of Henry Street/Harris Street and adoption of ordinance.

The memorandum explained that as per the request of the Honorable Donna Turner, a traffic study was conducted at the intersection of Henry Street and Harris Street. Louis Dishmon, an employee of Mohawk and a Union Representative, complained about motorists speeding and unsafe conditions for employees to cross the street. Along with Mr. Dishmon's complaint he requested that a flashing caution light to be installed.

The speed limit for Henry Street and Harris Street is 25 mph. The public vehicular area of Mohawk intersects with the intersection Henry and Harris Street. At this location there is pedestrian walkway that is painted on the road available for pedestrians. This pedestrian walkway serves the Mohawk employees that use the parking lot across the street from the business entrance. On Harris Street for traffic traveling from Hamilton Street toward the Henry Street intersection a stop sign is duly erected. The width of Harris Street is approximately 90 feet. On Harris Street below the Mohawk Security Office "no parking signs" are posted.

As part of this traffic study a speed survey was conducted for this area. The speed survey consisted of several different officers using radar devices for speed detection. This was conducted on several different days and at critical times when this area is congested and being used by Mohawk employees. Radar devices clocked a total of 385 vehicles and the average speed of these vehicles was 26 mph.

Following the speed survey the traffic accidents were researched for this area. During a four-year period from the year 2000 through 2004 there has been only two accidents reported. Speeding was not a contributing factor in either one of these accidents. The two-recorded accidents did not result in personal injury and did not involve a pedestrian.

At busy and critical times during this study we have observed the flow of motor vehicle and pedestrian traffic. During these observations we have observed Mohawk employees in large numbers crossing the street at various locations during the end of their shift and not using the pedestrian walkway. This can be hazardous for both motorists and pedestrians.

During this traffic study we discovered that a speed limit sign was not posted on Henry Street for this area and since this discovery the city has installed a speed limit sign. Also, the stop sign on Harris Street was in poor condition and has been replaced by city workers.

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There are no parking signs located below the Security Office of Mohawk for the east bound side of Harris Street and the curbing is painted restricting parking for approximately 50 feet. We had an opportunity to research records of existing ordinances for this area. Presently there is no existing ordinance that has been passed by any city council to restrict parking for this location. We did attempt to find how and why the signs were posted through city officials and Mohawk representatives and no one knows. The no parking signs have been present for numerous years and there has been some enforcement there.

The recommendation of the police department is to post a pedestrian crossing caution sign for the south bound traffic on Henry Street and to install a stop sign ahead caution sign for the east bound traffic on Harris Street. To eliminate any vision obstruction for pedestrian crossing and motorist at this intersection our recommendation would be to restrict parking at Mohawk gatehouse. The suggested parking restriction would be 50 feet at the Harris Street intersection along the fence line below the gatehouse. There is no justification for a flashing caution light for this intersection.

A motion was made by Council Member Turner seconded by Council Member Tuggle to approve this request and adopt the ordinance.

Council Member Nooe noted that one of the things mentioned was the number of employees crossing at unmarked crossings. He asked if there was a method for the city to recommend to the safety officer or union having a safety reminder for employees to cross at the crosswalk.

Mayor Price agreed that was a good comment and asked the City Manager to discuss that with the plant manager.

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

(c) Consideration of a traffic study of CreekrIDGE Drive and adoption of ordinance.

The memorandum explained that as per the request of the Honorable Billy Vestal, a traffic study was conducted at the intersection of CreekrIDGE Drive and Fairmont Drive. According to Mr. Vestal there have been several complaints about the location of two stop signs at this intersection.

This is a "Y" intersection for the east and westbound traffic of CreekrIDGE Drive. Traveling from John Street CreekrIDGE Drive will intersect with Fairmont Drive and veer right and Fairmont will veer left. There is a stop sign duly erected for the eastbound traffic on CreekrIDGE Drive and stop sign posted for the eastbound traffic on Fairmont Drive.

According to the Street Superintendent, Billy Shipwash the stop sign for the eastbound traffic of CreekrIDGE Drive has been stolen three times and has been torn down four times. To replace a stop sign it will cost the city \$100.00 and this does not include the time and efforts of city workers to repair signs that have been torn down.

The recommendation of the police department is to eliminate the duly erected stop sign for the eastbound traffic on CreekrIDGE Drive and to maintain the present stop sign on Fairmont Drive.

There is a "T" intersection on CreekrIDGE Drive that intersects with Evergreen Court that is not duly erected for a stop sign. There is a need for a stop sign on Evergreen Court. A stop sign at this location would serve purpose much better here than the stop sign already erected on CreekrIDGE Drive and Fairmont Drive intersection.

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

(d) Consideration of a bid for properties located at 808 and 812 Friendly Road.

The memorandum explained that the City Council formerly declared the above referenced property surplus and they advertised for bids. None were received. In recent weeks a bid was received from W.L. Pryor. The bid was advertised and received no upset bids.

Mrs. Stultz explained that this was property that the city received last year as the result of a sewer accident. The houses were removed and the city took ownership of the property after the city's risk insurance paid the property owner. At that time the Council declared it surplus and they have been running ads. They received a bid and they then ran an ad in the paper with no upsets. It was considerably lower than the tax value and she then called the County Tax Office. They sent someone out to appraise it. The bid received was \$3,000 and the tax office said the value of the property was \$21,400 and some odd dollars. In the last couple of days a gentleman came by and was interested in placing a bid. He had offered more than \$3,000 but it was not \$21,000. She recommended that the Council reject the bid and instruct her to re-advertise.

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Council Member Vestal noted that one of these pieces of property, after the houses were removed, had an in ground pool.

Mrs. Stultz replied that they had checked into it and members of her staff went by there to make sure the fence was up. She added that they had it looked at by a pool person, who said that at least at this point if somebody were to buy the lot they could rejuvenate the pool. The guy was allowed to take his filter system with him, so they were going to sell it as is and make no promises about the swimming pool.

Council Member Vestal pointed out that it becomes a public hazard with breeding mosquitoes and they needed to keep an eye on it to which Mrs. Stultz agreed.

A motion was made by Council Member Epps seconded by Council Member Myott to reject the bid with instructions to re-advertise. All Council Members voted in favor of this motion.

(e) Consideration of a final development plan for The Village, Phase I, located off Cox Street.

The memorandum explained that Bartlett Engineering & Surveying has presented a final development plan for Phase I of the Village for property located off of Cox Street. The Planning and Inspections Department recommended approval of the plan subject to conditions. The Planning Board considered the final development plan at their regular meeting on March 23. After consideration the board recommended that the request be approved subject to the noted conditions.

Mrs. Stultz explained that this was presented and the requirement they gave them and an exception on this was that the city would not issue any permits until they actually record the documents and meet all the requirements.

Mayor Price noted the public area for storage of boats and that type of thing. He pointed out that according to this there was going to be a special area for boats. He asked if there was going to be an area.

Mrs. Stultz replied yes as the plan goes on.

Mayor Price asked about during the first phase to which Mrs. Stultz replied that to have that kind of storage an individual would have to have it on their own lot and the lots were going to be small. Mayor Price noted that was 180 degrees different from what the Homeowner's Association said.

Mrs. Stultz replied that if they did not produce it from this map, they certainly would not allow them to do that in their final development plan. That was why they would not issue any permits until they present the documents they were actually going to record in Rockingham County. When this thing was done, there were nearby waters. She added that she did not imagine they were anticipating that much boat storage.

Mayor Price noted that there were campers and all those things to which Mrs. Stultz replied that the city's zoning ordinance already prohibits those things from being stored in the front yard. Mayor Price pointed out that according to the Homeowner's Association there would be a place for them.

Mr. Medlin explained that this was just something to go by, an illustration. The one for this county would be different and tailored to this county and tailored to those plans. So there would be some differences, but as far as what they were approving now was just the first phase. If there comes a phase that should have that on there they could approve or not approve it and their Homeowner's Association literature would have to be amended.

Mayor Price asked that should somebody buy one of those 25 houses with a motor home, they were going to have to make arrangements to park it somewhere to which Mrs. Stultz replied they would, just like any other property owner does in the community.

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

(f) Consideration of a water and sewer extension application from Bartlett Engineering &

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Surveying, PC for The Village located off of Cox Street.

The memorandum explained that the Council had attached a copy of an application from Bartlett Engineering & Surveying, PC for Public Participation in Water and Sewer Improvements for Section One of The Village located off Cox Street. The amount of their request is for \$39,754.75 to be equally divided in five (5) annual installments. The City will still receive an estimated \$51,442.50 in ad valorem taxes over this same time period for the land and structures. Staff has reviewed the application and recommended approval.

Council Member Nooe commented that he assumed that the Engineering Department would use these numbers and make sure they were in line with the actual cost of construction.

Mrs. Stultz reminded them that if the Council approved it and at the end of the year, if somehow or another at that point, before any money was paid to them, they would check to see if all the taxes were paid and they actually received that many dollars and the final stuff on all the improvements. They did not just write them a check in January, so he was right, they did keep an eye on it and Mr. O'Dell was responsible for that review.

Mr. Nooe asked if that would ever go up as the cost of construction goes up to which Mrs. Stultz replied no, this was the drop-dead amount.

Council Member Vestal added that it also has to clear final inspections before they pay the money.

Mrs. Stultz replied yes, the final inspections and they have to pay the property taxes.

Council Member Gover commented that he was hoping that the line that this extension would go to would accommodate the sewer water tap and all of this, the low water pressure, the pumping facility; they would all be taken care of.

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

(g) Consideration of a request for a study on sidewalks, curb and gutter, decorative lighting and landscaping for downtown commercial areas.

Council Member Tuggle stated that he went to all the merchants or at least the Merchant's Association leaders and since they had such a great opportunity with Main Street, he was talking with Council Member Gover to at least do a feasibility study to see what it would take to do some revitalization in downtown areas. He explained that if they did a feasibility study it would give them a starting point. If they get support from the downtown merchants, without their support nothing was going to work. In talking to the leaders, they seem to be very supportive of Main Street. He stated that he knew that they could put all sorts of money into things but if they did not have the merchants who were willing to support it and be behind it and make it work it was not going to, so really that was the bottom line.

Mr. Shane Hensley, 11 The Boulevard, thanked the Mayor and Council for their willingness to serve. He noted that he was just excited about the upcoming year and the years to come. He commended them for the job they doing. He added that he was proud to be a Boulevard merchant. He stated that they had a car gathering on The Boulevard this weekend and they planned this about 2 or 3 months ago at one of their meetings to just ask people to bring their cars out, talk and have a good time. He noted that they did not have a parking spot left on The Boulevard. He stated that it did not stop there; it was just to let people know they were still interested in The Boulevard. He talked with different ones and for some reason, it all goes back to the Grand, so the Grand was the key to The Boulevard. He thanked them for supporting the Main Street Program. He noted that on the study, curb and gutter and the sidewalks, he was sure the study could let them know what could be attractive for their area. He noted that in Reidsville, they have trees and shrubbery and it was very inviting.

Council Member Epps asked the Director of Business Development for input.

Mr. Dougherty replied that he did not know what he wanted him to say. They certainly would appreciate it. What happened on Saturday night was a great happening for the city and indicative of what was happening to the three downtown areas. The Draper Village Merchants were very aggressive. They were starting to see some new businesses on The Boulevard and there were

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three new businesses that were looking at Leaksville Downtown. They were learning of the process of Main Street and they would have a community visioning session meeting on Monday night. They would learn from other communities how they have put in decorative lighting and fix their sidewalks. He noted that they did have a list-serve for the other Main Street managers and any time they have a question, they send it out there and they send it back to us. It was really important to make the downtowns look impressive. The Community Appearance Commission was looking at banners for the three downtown areas and the Eden Mall was looking at becoming a part of this as well as the two shopping centers. So, there were a lot of efforts going to make this city and the downtowns look better, so this dovetails perfectly with that as well as the meeting. He noted that they would have Rodney Swink, the Main Street Director, and the Assistant Director at the meeting.

Council Member Tuggle asked Mr. Dougherty to mention the pictures that were taken, about what they would talk about, the good, the bad, and the ugly, the whole thing about Eden.

Mr. Dougherty explained that one of the steps in the process was something called "Picture Downtown" where several people were given the opportunity to make three photographs of the downtown, what they like and what they dislike. Those will be in the fellowship hall of Osborne Baptist. They would then go into a meeting when they go into breakout sessions to find out what the vision was. He added that he and Ms. Debbie Galloway, Planner, had worked on this project. In successful Main Street communities there were two elements, a vision and then consistent leadership.

Mayor Price thanked Mr. Dougherty for his time and effort and he thanked Council Member Tuggle for his comments.

Council Member Tuggle explained that he was on Main Street (Board) before and he still attended their meetings.

Mayor Price added that the Council was aware of what was going on and would be getting a report back from the group after the meeting.

In response to a question by Council Member Myott as to if staff members would be there (at the meeting), Mr. Dougherty replied, yes he and Ms. Galloway would. He added that with Main Street they learn a lot from other people and find what other communities have done.

Mrs. Stultz added that she and Ms. Galloway were going to RPO, which was Rural Planning Organization, one of those things that DOT makes them do for transportation. There was a grant cycle out now for some of this sidewalk planning and they were going tomorrow to try to get their name in the hat. She added that the third stage was getting transportation enhancement funds.

Mayor Price explained that the Main Street Program was not a new phenomenon. Several communities have been involved in it including Salisbury, Mount Airy, Martinsville, and Danville, so it was something that the time has come for their community. They were opening a lot of eyes because they have three or four downtowns. They see that as something very interesting and something they can learn from and it would certainly go a long ways toward making Eden a very special place.

CONSENT AGENDA:

(a) Approval and adoption of minutes: March 8, 12, and 16, 2004.

(b) Approval and adoption of computer donations to the Hope of Deliverance (After School Program) and the Eden Chamber of Commerce.

(c) Approval and adoption of a taxicab driver application.

(d) Approval and adoption of NCDOT Municipal Agreement and Resolution WBS: 366388 – Rockingham County, Washington Street (SR 1604) at Monroe Street.

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The memorandum explained that the Engineering Department requests authorization from Council to execute the enclosed NC DOT Municipal Agreement required for the commencement and completion of the proposed storm drainage improvement project along Monroe Street and Washington Street (SR 1604).

The resolution summarizes the requirements of the City of Eden as set forth in the agreement as follows: "to prepare the environmental and/or planning document, including any environmental permits, plans, contractor specifications and estimates (PS&E package), acquire any needed right of way, adjust and relocate utilities, award the construction contract, and supervise project construction".

The North Carolina Department of Transportation shall participate in the actual construction cost of the project up to \$85,000

The unencumbered balance in Powell Bill account 10-4515-52000 is \$125,200.00 that has been set aside for this project in FY 2003-2004.

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF EDEN, NORTH CAROLINA

A motion was made by Council Member Myott and seconded by Council Member Tuggle for the adoption of the following Resolution, and upon being put to a vote was dully adopted:

WHEREAS, the North Carolina Department of Transportation and the Municipality desire improvements within the Municipality under said Project, Rockingham County, said plans consisting of the construction of drainage improvements on SR 1604 (Washington Street) at Monroe Street in Eden; and

WHEREAS, the agreement further provides for the Municipality to prepare the environmental and/or planning document, including any environmental permits, plans, contractor specifications and estimates (PS&E package), acquire any needed right of way, adjust and relocated utilities, award the construction contract, and supervise project construction;

WHEREAS, the Department agrees to participate in the actual construction cost of the project in an amount not to exceed \$85,000.

NOW, THEREFORE, BE IT RESOLVED that said project is hereby formally approved by the City Council of the City of Eden and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the agreement with the Department of Transportation.

I, Kim J. Scott, Clerk of the City of Eden, do hereby certify that the foregoing is a true and correct copy of excerpts from the Minutes of the meeting of the City Council duly held on the 20th of April, 2004.

WITNESS, my hand and the official seal of said Municipality on this the 20th day of April, 2004.

s/Kim J. Scott
Clerk
City of Eden
North Carolina

The above resolution was approved along with the other items in the Consent Agenda.

(e) Approval and adoption of Concession Leases - 2004.

(f) Approval and adoption of a motion to hold a public hearing for a zoning text amendment to amend the Business-Central, Business-General, Business-Highway #2, Industrial-1, and Industrial-2 zoning districts and Section 11.29 Definition section of the City of Eden Zoning Ordinance pertaining to Automobile Towing and Temporary Storage Services. ZONING CASE Z-03-15.

(g) Approval and adoption of a motion to hold a public hearing and to consider an ordinance for a zoning map amendment to rezone property at 722 Virginia Street from Residential-12 to Business-General. ZONING CASE Z-04-03.

(h) Approval and adoption of a motion for Council to initiate a zoning text amendment and to hold a public hearing and to consider an ordinance to amend Section 11.31 Signs of the City of Eden Zoning Ordinance pertaining to the height of signs in the Business-Highway #1 zoning district. ZONING CASE Z-04-04.

(i) Approval and adoption of a motion to hold a public hearing on June 15, 2004 (Regular City Council Meeting) on the proposed 2004/2005 budget.

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(j) Approval and adoption of a Resolution concerning the Inter-Local Solid Waste Agreement of Rockingham County.

(k) Approval and adoption of additional funds – July 4th celebration.

A motion was made by Council Member Myott seconded by Council Member Tuggle to approve consent agenda items a,c,d,e,f,g,h,i, and k. All Council Members voted in favor of this motion.

CONSENT AGENDA ITEMS DISCUSSION:

(b) Approval and adoption of computer donations to the Hope of Deliverance (After School Program) and the Eden Chamber of Commerce.

Council Member Vestal stated that he did not remember these being declared surplus and he had a problem with giving away computers with city information. He explained that if they pull the hard drive out of them, that would not be much of a problem, but information can be obtained off of computers. He noted that hard drives were not that expensive.

Mayor Price asked Mr. Corcoran for his thoughts.

Mr. Corcoran replied that as far as declaring them surplus, the Council voted a couple of months ago to give 4 computers to the Boys & Girls Club. At that time he contacted the City Attorney who said that once the matter came before the Council if the Council voted to get rid of the computers at that time it was in effect at that time declaring them surplus so that as long as the Council voted, it was doing it at the same time. As far as the hard drive information, he would have to get with Mr. Hill. They did give the Boys Club 4 computers but he could not tell them to what extent he had or had not cleaned them. He added that if they were of the opinion that they wanted to do that they could do it subject to the computers being cleaned before they were released.

Council Member Vestal stated that sticking a screwdriver into the hard drive was the only way they could clean a hard drive. They could not delete the information because somebody somewhere could get information off of a hard drive.

Mayor Price asked if he would like to approve it subject to the recommendation of Mr. Hill as to what he thinks would eliminate any information from that hard drive.

Council Member Epps added that he worked on computers quite regularly and there was a system now that will clean hard drives.

Mr. Corcoran stated that he raised a good point which goes even to the bigger issue. That issue was, they have other computers and in the future, should they declare any of those surplus and then auction those off for general sale, they would have the same issue.

Council Member Vestal explained that he just had a problem with giving them away, especially if it comes out of the Police Department, there was all kinds of information in there.

Council Member Epps stated that he thought they could amend that to make sure the hard drive was either cleaned or taken out to which Council Member Vestal asked how much money it would cost to order this program. Council Member Epps replied that it was under \$100 to which Council Member Vestal replied that he could do it for 69 cents, the cost of a screwdriver.

Mayor Price noted that some of these organizations when they get down to what they were asking for would benefit greatly from these old computers. He thought they had someone (Hill) on board and that was their job.

Council Member Vestal agreed, if he was capable of removing all information he did not have that much of a problem with it.

Mayor Price asked if that would be subject to Mr. Hill's recommendation to which Council Member Vestal replied that if he would attest that he could remove it and it was not recoverable then he would go along with it.

Minutes of the regular April 20, 2004, meeting of the City Council, City of Eden, continued:

Council Member Tuggle asked how they decided who gets computers. He stated that he thought that if they get the word then everybody in the community would want a computer.

Mayor Price replied that since this was a new phenomenon in his mind, he thought that he would like to see the Manager make a recommendation or one of his staff members make a recommendation to declare this the same way they do a used automobile, and they were becoming a commodity item.

Council Member Tuggle pointed out that he knew that in the school system, everything has to go to auction and the highest bidder gets it. Of course, he would hate to be between this good group and this good group and another good group and then they end up with problems making everybody mad. He knew that with the school system, they deal with it in a way that anything surplus goes to auction and the highest bidder gets it.

Council Member Vestal explained that was his comment when it was declared surplus, it goes to public auction, that was why he had asked if they declared this surplus. In the past, everything has gone to auction.

Mayor Price commented that there was some discussion and Mr. Medlin made the comment that when they did that they declared it surplus, but he thought the idea of taking it to auction was the best deal.

Council Member Gover agreed that they should declare it surplus in the future.

Mayor Price suggested that they ask the City Manager to make a recommendation to Council with some thought, but this one would be approved subject to the recommendation of Mr. Hill as far as removing or destroying the hard drive.

A motion was made by Council Member Epps seconded by Council Member Gover to donate the computers after the hard drive was removed or destroyed. Council Members Gover, Epps, Tuggle, Turner, Nooe and Myott voted in favor of this motion. Council Member Vestal voted in opposition. This motion carried.

(j) Approval and adoption of a Resolution concerning the Inter-Local Solid Waste Agreement of Rockingham County.

Council Member Vestal explained that he hated for this to slide through unnoticed. He stated that from what he understood, through hearsay, Council Member Myott, the City Manager, and staff that was present at this meeting represented the city in an outstanding manner. He pointed out that this was a very serious matter and he thought it needed to be brought to the public's attention.

Mayor Price noted that was a very good point and explained that this was a resolution concerning an interlocal solid waste agreement. They have another community that wants to join into that agreement and the City of Eden and other communities have been members to the agreement for about nine or ten years now. There were some concerns about other members joining that without some type of fee paid because through the years they have put a lot into the capital costs of the solid waste operation in the County and feel that anybody who joins should put their fair share into any new part that they get and so the city was joining with other communities that have been members of the coalition in Rockingham County by sending this resolution to the County Commissioners telling them of their concern and asking them in hopes of their support.

Council Member Tuggle stated that it was bothersome to him that Reidsville, at the time when this whole thing came together, all the cities decided to come together and all of a sudden they pulled out and went their own way and the citizens of all these other cities had to make up for the difference. He added that he thought there were probably some people in the county area who want Reidsville to come in without having to pay their fair share and he did not think these citizens in any of these towns ought to have to make up the difference for Reidsville deciding to pull out at that time and he thought everybody else ought to be outraged if they get in without having to do a tipping fee or do something to make up the difference.

Council Member Vestal agreed and also a year later they came back and wanted more money

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from the citizens and other communities because the fees were not high enough that they had to raise them again.

Council Member Tuggle added that he thought that the comment has probably been made that they did not want to upset the people in that area. He stated that it should upset all the other communities in Rockingham County that had to make up the difference then, and now this other group wants to get back in. He thought they should be outraged. They should not be allowed to come in without having to make up the difference.

Mayor Price explained that Rockingham County was one of the premier counties across North Carolina and about ten years ago they were very forward in developing this landfill for solid waste. It was one of those hidden nuggets of value to Rockingham County that was not talked about. This landfill puts them way ahead of a lot of other communities and counties throughout North Carolina because they have it and it was state of the art. It has been very expensive and Council Members Tuggle and Vestal are exactly right. They went into it with full faith that everybody was going to join hands and support this. They charge about \$38 or \$36 a ton now and it has gone up over the years. At the last minute the City of Reidsville dropped out of this coalition and the other communities have borne the brunt of the cost of this landfill.

Council Member Epps mentioned that they were happy with the Kernersville set up until they closed down and now they have no where else to go and they want to come over here for nothing. They need to pay their fair share.

Council Member Gover added that they have a resolution saying what they would like to see. He questioned how they would reinforce their views. They had a representative there and if the County Commissioners choose to not heed what they have said, what was their recourse. Of course they did not like Reidsville stepping in without some penalty, with the increases that they have had, and with the impact of the loss of jobs, what were they going to do to back this resolution up.

Mayor Price replied that they were sending the resolution to five individuals who were elected to represent the county...

Council Member Vestal pointed out that was why he wanted to bring it to the public's knowledge, so that their citizens in Eden, Stoneville, and Madison-Mayodan would also contact these five individuals and let them know how upset they were about it.

Council Member Myott added that this was at the discretion of the Commissioners and they were meeting the first week in May and would vote on this and they knew they would vote to let Reidsville in.

Council Member Vestal stressed that he did not mind Reidsville coming in; he did mind them coming in free.

Mayor Price explained that the recommendation was that they pay a higher portion of the tipping fee to handle the actual capital cost that communities have borne for many years. That was a very expensive project and Eden and the western end of the county have basically paid for the construction of that landfill in terms of the operational cost.

Council Member Myott also noted that she did not think that the Commissioners would allow the public to speak. It would not be a public hearing.

Council Member Vestal stated that was why he wanted phone calls to take place and Mayor Price added, phone calls and letters. All the other cities were approving this same resolution. He then commenced to read the resolution and stated that they could tell that this board feels very strongly about this issue and hoped it continued over to the public.

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

Minutes of the regular April 20, 2004, meeting of the City Council, City of Eden, continued:

**RESOLUTION CONCERNING THE INTER-LOCAL
SOLID WASTE AGREEMENT OF ROCKINGHAM COUNTY**

WHEREAS, in the early 1990's the local governments in Rockingham County began a working relationship concerning the issues surrounding solid waste and its disposal, and

WHEREAS, the Inter-local Solid Waste Disposal Agreement was made and entered into on June 22, 1994 between Rockingham County, the City of Eden, the Town of Madison, the Town of Mayodan and the Town of Stoneville, and by the Town of Wentworth from its date of incorporation in 1998, and

WHEREAS, during the intervening years the local governments named in the agreement have financed large capital expenditures, the acquisition of property, daily operations and the regular maintenance of the Rockingham County landfill and its facilities, and

WHEREAS, the City of Reidsville elected not to be a party to the original agreement, but has now requested permission to be admitted into the Rockingham County Inter-Local Solid Waste Disposal Agreement, and

WHEREAS, the Rockingham County Solid Waste Committee, by a majority vote on March 31, 2004, recommended that the City of Reidsville be permitted to join the interlocal agreement and have their waste accepted into the Rockingham County landfill provided that they pay a higher tipping fee than the current members for a prescribed period of time or upon the payment of a one time up front fee. These terms will be negotiated by the current Solid Waste Committee and the requesting entity, and

BE IT HEREBY RESOLVED that the City of Eden extends support for the admission of the City of Reidsville under the above referenced terms and conditions, and

BE IT FUTHER RESOLVED that any new entity requesting permission to become a part of said agreement shall be required to meet similar terms and conditions.

NOW THEREFORE, upon motion of Council Member Vestal and seconded by Council Member Tuggle and approved by the City of Eden, this resolution is effective upon its adoption this the 20th day of April, 2004.

City of Eden

BY: s/Philip K. Price
Mayor

ATTEST:

s/Kim J. Scott
City Clerk

VOUCHERS:

Mayor Price encouraged the Council to look at the vouchers and ask questions about concerns they may have.

DISCUSSION:

Council Member Gover expressed concerns about signs not being made noting the rivers.

Mayor Price replied that the signs were there and referred the question to Mr. Sexton, Director of Public Works.

Mr. Sexton explained that they were on the bridges to which Council Member Gover noted that a gentleman had told him that he did not see them there, the boat landing signs looked great but he would like to pinpoint the rivers.

Council Member Vestal interjected that he thought he was talking about boat access signs, like the boat access to the Dan River and the boat access to Smith River.

Mayor Price commented that it was a State sign and asked Mr. Sexton to talk to them and see if they could do anything.

April 20, 2004

City of Eden, N. C.

Minutes of the regular April 20, 2004, meeting of the City Council, City of Eden, continued:

ADJOURNMENT:

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

Respectfully submitted,

Kim J. Scott
City Clerk

ATTEST:

Philip K. Price
Mayor