

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, August 17, 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, Sr.
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>
	Lisa Doss, <u>Eden's Own</u> , Mike Moore, WLOE

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:

Mr. Jerry Epps, Council Member, gave the invocation in the absence of Carol Robertson, Minister, Monument of Faith.

PROCLAMATIONS:

Mayor Price read the following proclamation recognizing the Fall Litter Sweep Campaign:

**PROCLAMATION
FALL LITTER SWEEP**

WHEREAS, the North Carolina Department of Transportation annually organizes a fall state roadside litter cleanup to ensure clean and beautiful roads in North Carolina; and

WHEREAS, the Fall 2004 LITTER SWEEP roadside cleanup will take place September 18-October 3, 2004, and encourage local government leaders, civic and professional groups, churches, schools, families, businesses and individual citizens to participate by organizing cleanups in their communities; and

WHEREAS, Department of Transportation employees; Adopt-A-Highway volunteers; Department of Correction inmates and community service workers; local government officials, agencies and leaders; professional, civic and religious organizations; businesses; schools; and environmentally concerned citizens annually conduct community cleanups during LITTER SWEEP and may receive certificates of appreciation for their efforts; and

WHEREAS, the LITTER SWEEP cleanup will educate and encourage the children of this great State regarding the importance of a clean environment to the quality of life North Carolinians enjoy; and

WHEREAS, the great natural beauty of our State and a clean environment are sources of great pride for all North Carolinians, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the cleanup will raise awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid wastes; and

WHEREAS, the 2004 fall cleanup will celebrate the 16th anniversary of the North Carolina Adopt-A-Highway program and the thousands of volunteers who contribute their time and labor year round to keep our roadsides clean;

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NOW, THEREFORE, I, Philip K. Price, Mayor of the City of Eden, do hereby proclaim September 18 – October 3, 2004 as “LITTER SWEEP” in the City of Eden, and urge all citizens to participate in making our roadsides clean and reducing and recycling solid wastes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eden, this 17th day of August 2004.

s/Philip K. Price
Philip K. Price
Mayor

Tree City USA:

Mayor Price explained that a Tree Board was formed in the City of Eden over ten years ago. He then asked Mr. Paul Dishmon and Mrs. Jeanette Bowling, members of the Tree Board, to come forward and he read the following proclamation recognizing the City of Eden’s involvement in Tree City USA and noting the 132nd anniversary celebration of Arbor Day in Eden. Mayor Price also presented the Tree Board with an award from the Arbor Day Foundation for their participation in the Tree City USA program.

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,

WHEREAS, 2004 is the 132nd anniversary of the holiday and Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce 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 countless other wood products, and

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

NOW THEREFORE I, Philip K. Price, Mayor of the City of Eden, do hereby proclaim April 3, 2004 as

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 17th day of August, 2004

s/Philip K. Price
Philip K. Price
Mayor

ADDITIONS OR DELETIONS TO AGENDA:

Consideration of deleting item 8(c) from the agenda at the request of the City Manager.

A motion was made by Council Member Epps seconded by Council Member Turner that item 8(c) be withdrawn from the agenda. All Council Members voted in favor of this motion. This motion carried.

To add a Closed Session in accordance with G.S. 143-318.11(a4) for discussion matters relating to the location or expansion of industries or other businesses in the area served by the public body including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations.

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A motion was made by Council Member Gover seconded by Council Member Tuggle to add a Closed Session in accordance with G.S. 143-318.11(a4). All Council Members voted in favor of this motion. This motion carried.

To add Adoption of a technical correction of Article 2, Chapter 2 of the Eden City Code relating to the Emergency Management Plan under New Business.

A motion was made by Council Member Gover seconded by Council Member Tuggle to add adoption of a technical correction of Article 2, Chapter 2 of the Eden City Code. All Council Members voted in favor of this motion. This motion carried.

PUBLIC HEARINGS:

There were no public hearings for August.

MONTHLY FINANCIAL REPORT:

(a) Financial Report.

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

REQUESTS AND PETITIONS OF CITIZENS:

The following portion of Request and Petitions of Citizens was transcribed verbatim at the request of the City Manager.

Mr. Ray Hicks of Fields Street addressed Council regarding the Volunteer Firemen:

I am Ray Hicks, I live in Eden at 1104 Fields Street. I was a city volunteer fireman and also I was a paid relief driver for the city. I am coming forward tonight because I have got concerns for the city about the Fire Department. I passed out some items to hopefully try to clear up about the number of volunteers we have in the City of Eden. I think the number has gone back and forth for different ones, as far as I can tell these numbers are correct, they may be corrected but we have seven (7) new volunteers. Now I'm thinking one or two have already quit. I know that one has. I was told by him he quit but maybe another one hasn't. But as far as the numbers that is the way it goes.

If you will look at the number of firemen per station for the first sheet I handed out, Station 1, right now we only showing four (4) at that station and I think one of the new volunteers are coming to that station so that would be five (5). If you look on the second sheet I passed out, from 1997 to 1998, we had seventeen (17) volunteer firefighters at that station. The city has cut us from 17 down to ten (10) firefighters within the last couple of years. Out of those 10, that one station is down to 5. And, I have asked questions of this Council of what is the agenda. I know a study has been going on with the City Council and I cannot find no information about the study. Why is the study being done, what is the objectives of the study, I've heard they were going to close two (2) stations, I heard they wanted to go to a paid fire department.

The volunteers of this city, they serve the city and they can take whatever that is throwed at them as long as they are up front with what ya'll say. And right now I would like to know what is the objective of cutting the volunteers back so much. I know it's a study that has already been done. I cannot find no information about it. I have asked City Council people about it and they say well we can't find out what its about either. So, I don't know what the deal is there, and that is one problem I've got, okay. And also, along with that, they cut our pay or gone to a pay per call to help get the people that for not showing up the calls to hopefully get them to show up for the calls.

The people, the volunteers, they do it because they want to serve the city. They are not, I would dare say that if you cut all the pay out they would still do it. If they were treated fairly.

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And, I know for a fact ya'll went to pay per call, that one man in the volunteer was paid \$10.00 for a call he made on July 4th. And he was sitting at Smith Mountain Lake July 4th. So there was no way that you can you are going to be able to hardly keep up with your time on these volunteers coming to these fires. That was another issue right there unless you put a time clock on the truck and then you will have guys standing and waiting to clock in before they go fight the fire.

Like I say, it is not the money for the volunteers. I had one City Council person tell me that they would not get up in the middle of the night for \$9.00. And I got another question about the Confined Space. Are they still being paid \$40 flat fee, are they certified, don't know. Is that fair to the volunteers if the confined space people are paid a straight salary. Okay, and along the certification lines, of the letter I passed out, we have a volunteer been in the department for eighteen (18) years. How in the world can that man come up and not have no training or any records of training. The certifications, Firefighter I and II is done through the State and it has been passed back and forth who dropped the ball on this. But, they said the college dropped it. The college they only process what they are given and send to the State. And the State, when you get all your qualifications they send you these levels. So, the ball was dropped in the city on these certifications. And these volunteers are asked to come back on their own time to get this training done to be certified. And I could dare say that every volunteer would love to be certified, that is not the problem, being certified or not be a problem. Every volunteer I know would rather be Firefighter I or II. But, they came on their training nights on their time to do this training and yet they come up empty handed. Something is wrong there and it was not the college.

And, every time I try to ask a question, I get bumped back, it's Ronnie's fault, the chief's fault, it's the City Council's doing it, it is the safety committee who is doing it, I don't know who's doing it. You know the old saying about firemen, a fireman is at once the most fortunate and the least fortunate of men. Our guys we will come to the fires. If the city gets in trouble, Leaksville rural, Spray rural, Draper rural, we will come back in the city and fight fire, we are not deserting the city, we would just like to have some answers. Thank you.

Mayor Price – Thank you Ray. The questions, Ray, for you are, are what is the objective of cutting the volunteers.

Ray – That is one of them.

Mayor Price – Number 2, information about the study that is ongoing. Number 3, the pay cut, it didn't come out as a question so much, was that is it just wanting some background information on why the pay was changed. Is that basically what the question was to that.

Ray – Well the pay was changed because they wanted to get more participation at the fires. That goes back to the Chief, if you are not doing your job you should be dismissed, I'm sorry that is his job.

Mayor Price – And then the last one was the question about the confined space and are they being paid straight salary.

Ray – Are they still being straight salary and are they certified or not to be a confined space.

Mayor Price – Okay, were there any other, I just want to make sure we have got these so they can be addressed by the staff.

Ray – Basically wanted the city to know that our guys didn't quit and leave the city empty handed. They will come back and fight any fire in the city if they pick up the microphone and call CCOM and set our tones off, we will bring men and equipment.

Mayor Price – Thank you very much. You will get some response to this question. I also would like to tell you, folks here and I know I speak for the entire Council and the community to say thank you for all the years of service that the people have given to this city, it goes on back farther and farther in the fire corp here and we do appreciate it and the community appreciates it. Thank you.

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The remainder of Request and Petitions of Citizens is not verbatim.

Ms. Joy Toms addressed Council regarding the Main Street Advisory Board:

Ms. Joy Toms, 622 East Stadium Drive, explained that she was there as vice chair of the Main Street Advisory Board and mainly to thank the City Council for their support and also the local media for their coverage. She noted that when sitting in on the meeting last month she heard one of the Council Members say that they needed more communication and she could not agree more. So, as Main Street Board, they have decided that they would have somebody there reporting on positive things in their community. For their Draper Merchants, they recently had a successful car show. In November they would be having a Veteran's Day Parade, in conjunction with Draper School. The Leaksville Downtown Merchants would be having a Riverfest. There was a recent improvement project at the Vacuum and Sewing Center that was actually a joint project of the Boulevard Merchant's Association and the Leaksville Association. They will also be having a car show coming up in November.

Since the Main Street Program has come into effect, they have also had two joint meetings with all the Merchant Associations represented. She stated that she hoped they have seen the banners along the highways and downtown areas. She thanked the Community Appearance Commission for starting that project. They had two representatives from the State at some of their recent meetings and they were excited at the time they were putting in. She closed by saying that the most exciting thing they had going on right now was the Façade Grant Program, where they were offering \$2,000 for each of the three downtown areas. She noted that the application process will close on September 15th and anyone who owned a business in any of the downtown areas could apply.

Mayor Price asked if anyone had applied for this.

Ms. Toms replied not at this point. She did know that applications had been passed out to several merchants.

Mayor Price asked Ms. Toms to explain the process.

Ms. Toms explained that \$6,000 had been approved, \$2,000 for each downtown association. Applicants could apply for façade grants which could be anything from painting the exterior of the building, taking down existing awnings, changing signage, anything on the outside frontage could be changed. This would be \$500 for each approved application and the merchant would match it. It was very outlined in the applications.

Mayor Price expressed thanks to the Main Street group. He stated that he hoped they would get some publicity out and have some participation.

UNFINISHED BUSINESS:

(a) Further consideration of adopting an ordinance for the demolition of a building located at 403 Morgan Road.

The memorandum to Council explained that at their July meeting, Mr. Joe Porter appeared before them regarding an action regarding the above referenced property. The next day, Mr. Bob Vincent and Mrs. Kelly Stultz met with Mr. Porter. Mr. Porter signed a plan of action that stated that by August 17, 2004 he would have at least the rear portion of 401 demolished and have provided sealed plans and a signed contract with a contractor to the office by that date.

Mr. Joe Porter, 448 Morgan Road, explained that he had prepared a written letter to present to the Council.

Mayor Price asked if this information summarized the plan of action. Mr. Porter replied no that this was his document. Mayor Price noted that the Council had not had an opportunity to read it (as they had just received it) and he asked that they take a few minutes to look over the information. *A copy of this information is in the office of the City Clerk.*

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Mayor Price stated that they also had a plan of action that came from the July 21st meeting in which 401 would be demolished at the rear and plans and a signed contract for 403 Morgan Road and the plans must be sealed by a design professional by August 17, 2004.

Council Member Gover stated that Mr. Porter had two orders of demolition, one on 401 and one on 403. He asked if Mr. Porter was asking for time for both or one of the buildings.

Mr. Porter replied that he had not discussed the procedure for lifting the demolition of 401.

Mrs. Stultz replied that she did not have the authority for the reversal to which Mr. Porter pointed out that he was not asking for a reversal.

Mayor Price explained that really they were discussing 403 at this time.

Mrs. Stultz added that he had done some demolition work on 401.

Council Member Epps stated that he did know that the 401 would have been torn down if it had not been for the fact that they were waiting for a condemnation in the next building over to save on cost. He stated that he had asked that he show some type of effort that he would be getting rid of 401 then the Council would be more apt to help him on 403. He noted that it looked like he had only done a portion of 401 in hopes of saving that too.

Mr. Porter replied that as he had stated before, he did want to save the oldest part of the wooden building. He stated that he came to the realization that the back could not be saved. All that was yet to be done on the outside was painting, guttering and siding on the back wall. The building was dry inside.

Council Member Epps asked if an unoccupied building could be used for storage.

Mrs. Stultz replied that it appeared to be R-6 and that kind of storage would not be allowed in Residential-6 and the intent to use either of those buildings as a commercial use could be construed as having been abandoned. Mr. Porter had informed her that at least one of the buildings had been vacant since the 1960's. There was really no development pressure at this point that she had seen for any more commercial in that area.

Mr. Porter commented that there were probably other buildings on Morgan Road that were used for storage right now. He noted that the old Fieldcrest store building came to mind immediately.

Mrs. Stultz replied that the area there was zoned business.

After being asked by Mayor Price as to if he had any other comments, Mr. Porter replied that he would have liked to have been done by now, but it was going to take more time.

Council Member Tuggle stated that the Council had asked for progress on this property and in her opinion where were they at this point as opposed to 30 days.

Mrs. Stultz replied that she and Mr. Vincent had met with Mr. Porter the day after the July meeting. He was going to have plans ready for today and a contract. As she had stated earlier, they knew that parts of it has been vacant since she was in elementary schools, which tells them that the building had not been used for its use they would expect it to be for a long long time. No repairs have been made and not much has been done. She really did not think a significant amount of progress had been made and he had promised he would at least give her the opportunity to tell the Council that a plan was in place in a month.

Council Member Tuggle stated, so there was no plan in place at this time that she was aware of.

Mrs. Stultz replied that he was going to bring something to them and the document that he presented to Council, she saw it the same time that they did (August 17th).

Mayor Price asked if anything in the document had changed her mind to which she replied no.

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Council Member Turner questioned the R-6 to which Mrs. Stultz replied that it was a medium density residential single-family district.

A motion was made by Council Member Epps seconded by Council Member Myott to approve the ordinance of demolition. All Council Members voted in favor of this motion. This motion carried.

NEW BUSINESS:

- (a) Consideration of a traffic study at Church Street and Johnston Street and adoption of ordinance.

The memorandum to Council explained that a traffic study was conducted at the intersection of Johnston Street and Church Street. Presently, this was a two-way stop with stop signs duly erected at N. Johnston Street and S. Johnston Street. The speed limit for both streets is posted with 25 mph speed limit signs.

Council Member Myott had received several complaints about vehicles being unable to maneuver from the stop sign locations on north and south Johnston Street due to blind spots.

This neighborhood has changed during the last few years with pedestrian traffic increasing and children at play. Sgt. Frazier spent several hours observing this intersection and noticed one hazard in particular. For the eastbound traffic of Church Street there is an incline approaching the intersection of Johnston Street and for the westbound traffic of Church Street there was an incline or uphill grade approaching the Johnston Street intersection. This would slow the reaction time for drivers to slow or stop if faced with a hazard. This blind spot exists for the entire intersection.

The intersection of Lawson Street and Price Street was comparable to this one. The same hazard of the blind spots and the uphill grade in both directions exist with the intersection of Church Street and Johnston Street. Presently, Lawson and Price Street is a four-way stop with signs duly erected at each intersection. This forces drivers to stop in all directions and increases their reaction time.

The recommendation of the Police Department is to install stop signs on Church Street east and west bound at the intersection of Johnston Street creating a four-way stop.

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

Mayor Price asked that the Police Department be diligent on these four-way stop signs. He had received several complaints of people not stopping.

- (b) Consideration of an Agreement between the City of Eden and Dan River Water, Inc.

Mayor Price explained that this agreement was regarding the paying for water in annexed areas. This document was distributed to the City Council on Monday afternoon (August 16).

Council Member Epps stated that the City Attorney had done a good job on this.

Council Member Vestal suggested that this information go before some committees for discussion. They were getting ready to set a precedent for Rockingham County on this agreement for any annexation made by Wentworth, Madison, Mayodan, Stoneville or Reidsville. All they have to do is say that Eden went along with this so you all have to do this. There were some things in there that he would like to talk about.

Mayor Price asked if there were some specific questions that he would like to bring up.

Council Member Vestal replied in the affirmative, but he would like to discuss it in the committees. He then proceeded to make a motion seconded by Council Member Gover to table this for 30 days.

Council Member Epps stated he wanted to make a motion to accept the request as written. Their attorney had done a good job with it and their case was pending. The quicker they get this in place the better they would be. The motion was seconded by Council Member Turner.

Council Member Myott asked what committee Council Member Vestal wanted it to be discussed in to which he replied probably all of the committees.

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Council Member Gover added that it had just been handed to them a couple of days ago. He was not game for opening up a pocketbook where they could just spend out of.

Council Member Myott questioned who “they” was to which Council Member Gover replied that if they signed this then Dan River should be laughing, going to the bank. He just did not believe in opening up their pocketbook and making their citizens pay for something outside of the city that they so desperately need inside, such as the water and sewer and drainage problems that they have.

Council Member Epps disagreed. He stated that what they would get from the sewer would very much take care of what they were doing, they were not giving anything away, they were actually just giving them the same break in the county as they have in the city. They also had a year before they had to worry about most of this and by that time they would be able to have revenues from the tax base to handle any improvements.

Council Member Nooe pointed out that it was not only the improvements that were going to be done, they were not going to get all the water fees to begin with, they would have to pay a portion of that back to Dan River Water, whatever the difference was.

Council Member Vestal stated that based on the figures that Mrs. Stultz gave the newspaper it was \$349 average per household.

Council Member Tuggle asked the City Attorney what the impact of a delay would be. He added that he still had a problem with getting things a day or two before they sit down as a Council, whether he agreed with it or not.

Mr. Medlin replied that there was nothing ending in the 30 days that would be of an impact. The first draft was put together last week and given to Dan River Water’s attorney. Dan River had their meeting last Tuesday and they did not have the opportunity to see it ahead of time, so they did not vote on it that night. The committee had asked for some changes to it this past week and that has been incorporated into the agreement. He believed it was safe to say that all of the people who have served on Dan River’s Committee, there were 3 from their board and then 1 operations person, two from the City of Eden and himself have all okayed this, so now it was time to go to the two boards.

Council Member Tuggle asked that to delay it for 30 days that would have no impact on anything to which Mr. Medlin replied he did not believe it would. It would require Dan River to have a special meeting to take it up before their next meeting.

Council Member Tuggle stressed that he hated to go over something with two days preparation, whether he agreed or disagreed with it. He added that had questions about some things that in all honesty, he understood part of it, but there were other things that he still had some questions about.

Mr. Medlin added that he understood that this would be presented back to the board and he would have the chance to ask questions, whether it was tonight, or if they wanted to do it through committee meetings or informally.

Council Member Epps asked if what they would really be doing was okaying a draft, they could still change it.

Mr. Medlin replied that he thought once they okayed it then it was ready to be signed by the city, pending approval by Dan River Water. They may come back and want something else.

Council Member Tuggle stated that he had some questions and he just had not had enough time to really get in depth the way he felt comfortable with it and whether he voted yes or no was really irrelevant as far as his opinion at this point.

Mayor Price asked that if they approved it tonight, then that was their last go around as a Council to have input on this agreement.

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Mr. Medlin replied that before Dan River took it up, they could always bring it back up again, they could call a special meeting and suggest changes. What they were doing was adopting the form of the agreement, so if they wanted to make changes the entire Council would need to vote on it again to take into effect those new changes. Once the Council has approved it and once Dan River has approved it, it was then set to be signed. But, there was no agreement until both parties come to a consensus.

Council Member Epps asked the City Manager for his thoughts on this agreement.

Mr. Corcoran replied that he thought that the agreement did exactly what they knew they would have to do in an annexation area. They have to provide the water and sewer services, whatever they were. They had to give them the same rates, whatever those were and that is what this agreement did. Whether the Council voted tonight or next month, the staff felt that this was the agreement that they needed to proceed with the annexation.

Mayor Price stated that they have talked about those agreements a lot and the real issue was fairness. They have had good quality people from both sides to sit down and talk about what was going to be fair for the citizens of the respective communities. Everyone knew that annexation would take place around any community, it just had to happen. By the same token, there were probably other water service companies around North Carolina that just perform because people needed clean water supply, and how were they to deal with them. The plan seemed to be fair to him and it looked like if they consider what they have accepted as a group, what they were willing to take from us and what we were willing to give to them, it seemed like a fair document. He was sure there were concerns about the whole annexation process and where they were, but it was not as if they were in fairytale land. It had been discussed a lot and it was not only in Eden and the area they intend to annex, it was all over North Carolina. Other areas had gone through this and all that it comes down to was they were trying to be fair.

He added that it was a known fact that sewage would probably be one of the biggest draws to any annexed areas. He was regularly asked when they were going to put the sewer in and it was important. He noted that Virginia was having a difficult time with expanding because of no annexation abilities. He closed by encouraging them to vote in favor of the substitute motion.

Council Member Nooe stated that he understood that the city could not take the waterlines. He asked if Dan River Water could transfer the ownership for waterlines to the City of Eden.

Mr. Medlin replied that they could and one of the things they learned during the trial was that they had passed a resolution that would require approval by a certain percentage of their members before they could actually transfer ownership of lines. He stated that assuming that requirements were met the city could purchase them because their debt would have to be released.

Council Member Nooe noted a statement on the agreement that said "Dan River Water's customers within annexed areas will remain Dan River Water customers period." He stated that the way he read that they did not have any plans in the future to take over those waterlines and they remain, per this document from on own Dan River Water. . .

Mr. Medlin explained that forty (40) years would be correct. One of the prior drafts had a provision in there which said it would remain Dan River Water customers, unless the parties agree otherwise and their attorney was afraid, with that kind of language they might have to have their entire membership review the agreement, so in order to avoid that type of issue, the language was removed.

Council Member Tuggle asked if there was anything that a lay person could add to this that would change this legal document. Was this document the way that he felt it had to be to meet the requirements at this point.

Mr. Medlin replied that the first part, there was always something that a lay person could add that would change the agreement. People enter into agreements without attorneys all of the time. He stated that this did contain what he thought it needed to contain to meet the issue of annexing Dan River Water customers and that was based on the conversation that they had in those

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committees and the notes and minutes that were taken and the reviewing of those and the presentation of that in the last meeting. It was a summary that everyone agreed that those were the main points. The changes that were made over the last week were just tweaking some words.

Council Member Nooe stated that he saw some where that the original agreement was to expire in 2005.

Mr. Medlin explained that the original contract that they had with Dan River would expire in 2005. That contract was totally rewritten and that extended it on out.

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

Mr. Medlin explained that substitutes as their primary motion to approve the agreement in forms so now they need to vote on that.

Action on the motion to accept the agreement: Council Members Tuggle, Turner, Myott, and Epps voted in favor of this motion. Council Members Gover, Vestal and Nooe voted in opposition. This motion carried.

- (c) Consideration of a request to join forces with other law enforcement departments in Rockingham County to contract the services of twenty-four hour legal support group of Smith, Rodgers & Strickland.

This item was withdrawn from the agenda at the request of the City Manager.

- (d) Consideration of technical amendment to Chapter 2 (Emergency Management Plan).

Mayor Price explained that the next item was a technical correction of Article 2, Chapter 2 of Eden City Code relating to the Emergency Management Plan.

Mr. Medlin stated that this past weekend the issue of the possibility of having to declare a state of emergency came up. He stated that when they went looking for the ordinance that would allow the Mayor to issue that state of emergency it was discovered that the ordinance was actually labeled for Article 6 of Chapter 2 and there was already an Article 6 dealing with Ethics. Further since that date there had been passage of an Article 7, so they needed to make a technical amendment to Chapter 2 dealing with Emergency Management to make that Article 8 and to renumber those five sections as shown to them. There was no new wording and there was no new ordinance they were just putting in the right place in the Codes.

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

CONSENT AGENDA:

- (a) Approval and adoption of minutes – July 20, 2004.
- (b) Approval and adoption of a request to place a Riverfest banner in the public right of way.
- (c) Approval and adoption of a motion to request the City Clerk to investigate a petition for voluntary annexation.

In a memorandum provided to Council, Mrs. Stultz explained that the owners of the former Blanket Warehouse on New Street (the site of the Weild McClain facility) have petitioned for the property to be voluntarily annexed. The first step in the process is for you to ask the City Clerk to certify the sufficiency of the petition. This certification will include assistance from the City Attorney and the Planning Department.

- d. Approval and adoption of a motion to adopt budget amendment No. 2.

This is the second budget amendment for the year.

Budget Amendment #2	Account #	From	To	Amount
General Fund Revenue				
Fund	10-3991-91000	\$699,742.05	\$826,534.43	<u>\$126,792.38</u>
Balance Appropriated				<u>\$126,792.38</u>
Expenditures				
LLEBG-Dep Equip	10-4310-57100	\$ -	\$22,089.02	\$22,089.02
Drug Fort – Equip	10-4310-57200	\$ -	\$99,195.96	\$99,195.96
Parks & Rec Reimbursement	10-6120-29400	\$ -	\$1,807.40	\$1,807.40
Washington Street Park Benches	10-4910-31100	\$ -	\$300.00	\$300.00
Fourth of July Celebration	10-6120-69000	\$3,000.00	\$6,400.00	\$3,400.00
				<u>\$126,792.38</u>

Budget Amendment #2 is to cover the re-appropriation of monies restricted for use (These monies remained as of June 30, 2004 and need to be taken out of fund balance and given back to the appropriate department).

Adopted and effective this the 17th day of August, 2004.

Attest:

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

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

e. Approval and adoption of ADA Committee Members.

The following are recommended Committee Members:

- Kay Miley – ADA Coordinator & Employee with a disability
- Faye Carter – program Director, Parks and Recreation Department
- Darrell Carter – City of Eden Fire Inspector
- Jimmy Bolden – City of Eden Building Inspector
- Toine Spann – Citizen with a disability

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

VOUCHERS:

Mayor Price was concerned about the sizeable increase in the Worker’s Compensation and he was also concerned about the money that was spent on printers. He noted that he would be calling Mrs. Ford about that.

CLOSED SESSION:

Closed Session in accordance with GS 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations.

A motion was made by Council Member Turner seconded by Council Member Myott to go into Closed Session in accordance with GS 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. All Council Members voted in favor of this motion. This motion carried.

OPEN SESSION:

A motion was made by Council Member Myott seconded by Council Member Nooe to return to open session. All Council Members voted in favor of this motion. This motion carried.

Minutes of the regular August 17, 2004, meeting of the City Council, City of Eden, continued:

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ADJOURNMENT:

A motion was made by Council Member Gover 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