

## CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, December 21, 2004 at 7:30 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meeting were as follows:

Mayor:	(Absent)	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:		Brian Ewing, <u>Eden Daily News</u>

MEETING CONVENED:

Mayor Pro Tem Myott called the regular meeting of the Eden City Council to order and welcomed those in attendance. She 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. Michael Zumpf, Pastor, St. Luke's Episcopal Church, was present to give the invocation.

ADDITIONS OR DELETIONS TO MINUTES:

It was noted that Item 8(b) was pulled from the agenda.

PUBLIC HEARINGS:

There were no public hearings scheduled for this month.

MONTHLY FINANCIAL REPORT:

There was no discussion regarding the Financial Report.

REQUESTS AND PETITIONS OF CITIZENS:

No one came forward to speak at this time.

UNFINISHED BUSINESS:

(a) Planning Organization Appointments and Reappointments.

Board of Adjustment:

Frances Craddock      Epps – Ward 4

Community Appearance:

June Adams	Epps – Ward 4
Becky Smothers	Turner – Ward 1
Betty Turner	Myott – Ward 2
Ann Hoerter	Tuggle – Ward 6

Minutes of the regular December 21, 2004, meeting of the City Council, City of Eden, continued:

12

Historic Preservation:

Bud Stickels	Turner – Ward 1
Louise Price	Epps – Ward 4
Laura Wilson	Gover – Ward 7

Planning Board:

Eddie Barker	Turner – Ward 1
Linda Wyatt	Gover – Ward 7

Tree Board:

Jeanette Bowling	Gover – Ward 7
Paul Dishmon	Epps – Ward 4
Larry Turner	Tuggle – Ward 6

A motion was made by Council Member Tuggle to approve the appointments to the Planning Organization Committees. All Council Members voted in favor of this motion. This motion carried.

NEW BUSINESS:

- (a) Consideration of a variance on a preliminary subdivision plat for Meadow Road Industrial Park. SUBDIVISION S-04-02.

The memorandum explained that the city has received a preliminary subdivision plat for property located on Meadow Road. The plat is for Meadow Road Industrial Park. The property is platted into 14 lots and is approximately 86.812 acres in size.

The Planning and Inspections Department recommends approval of the final plat with a variance in cul-de-sac length. At their regular meeting in November, the Planning Board approved the preliminary plat and voted unanimously to recommend to City Council that the variance be approved.

Mayor Pro Tem Myott asked Ms. Debbie Galloway, the City's Planner, to come forward in the absence of Mrs. Kelly Stultz, Director of Planning & Inspections.

Ms. Galloway explained that they had received an application for a preliminary plat for a new industrial subdivision to be located off of Meadow Road. This property was east of Miller and behind the row of residential district that is along Meadow Road. It was approximately 86 acres and this was the first industrial subdivision they had received in quite a number of years. The Planning Board had reviewed the preliminary plat and recommended approval of it with certain conditions. The only action that the Council needed to take was that the cul-de-sac in this subdivision was longer than the 500' that was specified in the ordinance and the Council would need to either grant or not grant a variance. The final plat would come back when it was ready for final approval.

Council Member Turner questioned the reasoning of the need for it to be longer than standard.

Ms. Galloway replied that it was because of the size of the property and the fact that most of their subdivisions have been residential and the reason for the length of 500' was usually for emergency vehicles to be able to have room to turn around and whatnot, but with an industrial division being different, each future industry that might be out there would probably have their own parking lots, loading areas, etc., so there would not be that problem like there would in a residential area.

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

- (b) Consideration of adoption of an ordinance for the demolition of a building located at 135 The Boulevard.

The memorandum explained that the Council would find attached a section of the Human Habitation Standards Ordinance relating to the steps to be taken when an owner fails to comply with an order to repair or demolish and a report from staff on the subject action. The City of Eden Human Habitation Standards Ordinance and the enabling legislation permit the City Council

Minutes of the regular December 21, 2004, meeting of the City Council, City of Eden, continued:

13

This item was pulled.

CONSENT AGENDA:

a. Approval and adoption of minutes – November 16, 2004.

b. Approval and adoption of Local Firemen's Relief Fund trustee replacement, John E. South, to replace J.D. Murphy who is retiring. *CORRECTION: It was noted by Fire Chief Overby that John E. South was actually John C. South.*

c. Consideration of Municipal Agreement, and adoption of Resolution, Project B-5-3509, WS: 33122.2.1 (Bridge 75 over the Smith River on SR 3003 in Eden) and Resolution. *This item was pulled for discussion.*

d. Approval and adoption of N.C. Annual Firemen's Certification.

e. Approval and adoption of solid waste commercial contract.

The City of Eden received proposals from four prospective service providers that can provide commercial waste services for the commercial community of Eden. First Piedmont, Waste Industries, Republic Waste and Waste Management were the companies that submitted proposals. There were two bid options requested in the Request for Proposal document submitted to each prospective service provider. After evaluating each proposal the Public Works Committee is recommending the following:

Awarding the Commercial Solid Waste Contract to Waste Management (for a period of three (3) years) that currently provides service for Eden. The contractual agreement will consist of collection, container rental and direct transport of waste to the landfill designated by the City of Eden and shall include all disposal fees associates with commercial waste services being provided by Waste Management under the executed contract. The administration of the contract will continue to be administered by the City of Eden and substantial cost savings to the commercial customers is projected over the course of the next three years.

f. Appointment of Eden Representative to Rockingham County Partnership for Economic and Tourism Development Executive Committee.

A copy of the "Amended and Restated Bylaws of CITIZENS ECONOMIC DEVELOPMENT, INC., d.b.a., Rockingham County Partnership for Economic Development, Inc." was provided for the Council. It was noted that there were a variety of cosmetic changes, the most significant change was to approve a permanent voting seat on the Executive Committee for a representative from the City of Eden as well as a representative from the City of Reidsville. Western Rockingham will also have a permanent voting seat which will rotate from year to year between the Towns of Madison, Mayodan and Stoneville.

The unanimous recommendation from the Planning and Economic Development Committee was that the Chairperson of that Council Committee serve as Eden's representative to the Partnership Board of Directors as well as the Partnership Executive Committee. In addition, it should be stipulated that if the chairperson is unable to attend the 8:30 a.m. meetings then another representative should be selected by the City Council. Currently, Councilman Bill Vestal serves as the Chairman of the Council's Planning & Economic Development Committee. As such, it is the Committee's recommendation that he be appointed as Eden's representative to the Partnership Board of Directors as well as the Partnership Executive Committee.

g. Approval and adoption of Safety Committee Appointments.

These will serve a 2 year term on the committee:  
 Recreation/Facility Maintenance – Kathy Overby  
 Police Department – Sam Shelton and Mary Bennett  
 Wastewater Treatment Plant – Ralph Potter  
 Administration – Kim Scott  
 Planning and Inspections – Bob Vincent  
 Engineering – Kevin London

h. Approval and adoption of Financing Agreement for garbage truck.

The memorandum presented to Council by Ms. Tammie Bowers stated the following:

Garbage truck financing \$162,000.00 for 5 years

The following quotes have come in on the garbage truck:

Bank of America – 3.8863%  
 BB&T – 3.37%

Minutes of the regular December 21, 2004, meeting of the City Council, City of Eden, continued:

14

First Citizens Bank – 3.29%  
Wachovia Bank – 6.01%

As you can see the lowest quote is First Citizens bank at 3.29%. We will be making an annual payment in the amount of \$35,666.86. There is a small origination fee with the loan but this should still prove to be the best terms.

It has a prepayment penalty but the City should not incur that penalty as we will pay on schedule.

I would respectfully ask that the Council approve First Citizens as the successful bid on the garbage truck. And we can then begin the process of purchasing the truck.

Regarding Item c. *Consideration of Municipal Agreement, and adoption of Resolution, Project B-5-3509, WS: 33122.2.1 (Bridge 75 over the Smith River on SR 3003 in Eden) and Resolution.* Council Member Vestal stated that he had spoken against the location of this bridge since he had come on board. He did not think this was in the best interest of the transportation needs for the city for the next 50 years, and that was the expected life of a bridge now days. The relocated it from the original place where the Department of Transportation wanted it.

Mayor Pro Tem Myott asked if there was any other discussion.

Council Member Tuggle asked what they knew about it at this point.

Mr. Corcoran, City Manager, explained that a lot of the work on the bridge actually even predated him. He went back to the minutes and the presentation that went before the Council was in 2000. In April of 2002, DOT came in and did a series of citizen type workshops where people could come in through the afternoon and look at a host of alternatives. At that time, one of the alternatives, No. 3, called for a two and a half mile detour which would basically isolate that commercial area over there. At that point and time in June, he wrote a letter on behalf of the city basically saying that they opposed Alternative No. 3, due to the fact that it was going to be a two and a half mile detour and it would be in existence for quite some time and the economic impact that would have.

The agreement that sits before them was their standard agreement. The agreement stated that the city would be responsible for the relocation for any utilities and they would also effect the relocation of other utilities through their franchise agreements.

Council Member Tuggle asked if there was any alternative once DOT makes their decision on these types of things.

Mr. Corcoran replied that one thing he noted in the agreement was that it talked about the city paying to have this work done. Then there was another section in there that stated that if for any reason the city did not pay to have that work done, then it would just withhold funds from the city, probably an annual type allocation, so in his opinion, they were probably going to do what they want to do. They have never come to the city and said, tell us exactly what you want and we will do that. He thought that they have listened to the business owners and residents and they were going to make up their own mind.

Council Member Tuggle explained that from what little time he had been on the board, he remembered seeing some information about it but there had not been a lot of discussion.

Mr. Corcoran replied that was correct. He stated that they did send an update out semi-annually but the last serious involvement from the city was back in 2002 when they had that citizen information workshop.

A motion was made by Council Member Epps to accept this resolution. This motion died for lack of a second.

Council Member Epps explained his reasoning was because they would cut off all of their businesses in that section.

Council Member Vestal noted that was a misconception. The bridge was supposed to tie into Meadow Road and go down and tie into Early Avenue and a group got together to preserve the traffic circle. He explained that he objected to that.

Minutes of the regular December 21, 2004, meeting of the City Council, City of Eden, continued:

15

Council Member Epps stated that he understood that Church Street would eventually be extended to Highway 770 and that would be a thoroughfare.

Mayor Pro Tem Myott stated that Mr. Corcoran mentioned 2 ½ miles.

Mr. Corcoran explained that there were three alternatives in 2002 and Alternative No. 3 was a two and a half mile detour and they voiced their opposition to that alternative at that time. He added that he was not saying that was what they were doing now.

Council Member Turner asked if they were agreeing to the location or the terms.

Mr. Corcoran replied no, it was very standard language and it was the same maintenance agreement that they send out on all of their bridges. He stated that his understanding was that they were going to get their money one way or another.

Council Member Epps added that Miller Brewing gave money for a project there at the traffic circle and a lot of stuff had been done.

**Solid Waste Commercial Contract:**

Council Member Tuggle questioned Item e, the solid waste commercial contract. He asked how these things were publicized. Also, service requests, how were those publicized. He noted that he was not really sure that the public really knew exactly what those schedules were. He also asked if they got individual letters.

Mr. Corcoran replied that in this instance, there were individual letters that would go to all 310 commercial customers outlining the changes that would come about as a result of the new contract. Mr. Adams, Solid Waste Superintendent, did do a regular series of news articles in the paper trying to get out that information; of course there would be people who did not read it.

Council Member Tuggle asked if there was a schedule that tells what it cost, he was just curious as to how they knew exactly how much it was. He asked if they got something individually with a letter or did they have to call Waste Management or him to see what the schedules were. Also, how did someone new get this information.

Mr. Adams explained that for the commercial waste system the initial agreements in terms of those currently onboard as a customer would receive a letter specifying the rates and the rate structure, the service levels for the various types of containers. As for holiday or odd and end type collections, the commercial system was not affected as the residential system. Primarily the commercial systems or holidays were very limited in terms of miss-collection on an actual holiday. There were services that they have provided historically to have commercial services continue to run. Christmas Day and Thanksgiving Day were the only two days that were affected by the commercial system as far as service being altered from a normal collection.

Council Member Tuggle noted that he also saw in there that if a customer had a problem with someone, they were supposed to get back with them immediately, and he just wanted to make sure the customers knew that.

Mr. Adams explained that complaints were handled through his office, a work order was dispatched and also in that contract, there was a criteria that for the customer to receive service on a given day, the request has to be in a certain time for it to be delivered that day, and after that time it was the following day.

Council Member Vestal commented that they needed to look at the city's solid waste ordinance as it was outdated.

Mr. Adams agreed and stated that it had been addressed since 1998 and they had not made very much progress on getting that done to which Council Member Vestal stated that he would see that it got done.

As there was no other discussion, Mayor Pro Tem Myott called for a motion.

Minutes of the regular December 21, 2004, meeting of the City Council, City of Eden, continued:

A motion was made by Council Member Epps seconded by Council Member Tuggle to approve the Consent Agenda. All Council Members voted in favor of this motion. (*Consent agenda items a, b, d, e, f, g, and h*). This motion carried.

VOUCHERS:

There was no discussion regarding the vouchers.

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 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 Vestal seconded by Council Member Gover 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 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 Gover seconded by Council Member Tuggle to return to Open Session. All Council Members voted in favor of this motion. This motion carried.

ADJOURNMENT:

A motion was made by Council Member Tuggle seconded by Council Member Gover 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