

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, January 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
Representatives from Departments:	
Representatives from News Media:	Lisa Doss, <u>Eden's Own</u> ;
	David Clemson, <u>Eden Daily News</u>
	Lanita Withers, <u>Greensboro News & Record</u>

MEETING CONVENED:

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

INVOCATION:

Dr. Harry Smith, Pastor, First Baptist Church, was present to give the invocation.

PROCLAMATION:

Mayor Price introduced Mr. Nelson Hairston and Mr. Roger Brown, local representatives of the NAACP. He then read the following proclamation in honor of Dr. Martin Luther King, Jr.

**A PROCLAMATION TO
DESIGNATE JANUARY 19th
TO HONOR DR. MARTIN LUTHER KING, JR.**

WHEREAS, Dr. Martin Luther King, Jr. believed that nothing could replace a kindness rendered by one human being to another and that a good society is a result of millions of such good small acts; and

WHEREAS, Dr. Martin Luther King, Jr., through his life and his work taught that freedom of choice and respect for fellow human beings are to be sought; and

WHEREAS, Dr. Martin Luther King Jr., was tragically killed on April 4, 1968 in Memphis, Tennessee while leading sanitation workers in a protest against low wages and intolerable working conditions; and

WHEREAS, the King holiday is intended as a time for all Americans to reaffirm their commitment to the basic principles that underlie our Constitution – equality and justice for all; and

NOW, THEREFORE, BE IT PROCLAIMED that I, Philip K. Price, Mayor of the City of Eden, hereby designate JANUARY 19th, 2004 be set aside as Dr. Martin Luther King, Jr. Day in the City of Eden and urge all citizens to join with me this day in recognizing the importance Dr. King has made toward peace, civil unity, and nonviolence in our lives.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 20st day of January, 2004.

By: Philip K. Price
Philip K. Price, Mayor
City of Eden

ATTEST:

Kim J. Scott
Kim J. Scott
City Clerk

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

ADDITIONS OR DELETIONS TO AGENDA:

A motion was made by Council Member Gover seconded by Council Member Vestal to table Public Hearing Item 4(a). Council Members Gover, Vestal, Turner, Tuggle, Myott and Nooe voted in favor of this motion. Council Member Epps voted in opposition.

A motion was made by Council Member Vestal seconded by Council Member Gover to add a Closed Session for discussion of Personnel. All Council Members voted in favor of this motion.

PUBLIC HEARINGS:

(a) Consideration of a zoning map amendment request to rezone property on Cascade Avenue in the city's extraterritorial jurisdiction from Residential-12 to Industrial-2. Request submitted by William H. Stewart. ZONING CASE Z-03-16.

The memorandum explained that at the regular meeting of the City Council on November 18, 2003, the Council scheduled this public hearing to hear comments regarding a zoning map amendment request filed by William H. Stewart. The request was to rezone property on Cascade Avenue in the city's extraterritorial jurisdiction from Residential-12 to Industrial-2.

The Planning and Inspections Department recommends denial of the map amendment request. At their November regular meeting, the Planning Board voted to recommend that the City Council deny this request.

This item was tabled.

(b) Consideration of a zoning text amendment request and an ordinance to amend Section 11.30, Article 4, Section A, to modify the designated local administrator of the Flood Damage Prevention Ordinance. ZONING CASE Z-03-17.

The memorandum explained that at their regular meeting in December, the Council scheduled a public hearing to hear comments regarding a zoning text amendment request filed by the Planning Board. The request was to amend Section 11.30, Article 4, Section A of the City of Eden Zoning Ordinance to modify the designated local administrator of the Flood Damage Prevention Ordinance.

The Planning and Inspections Department recommended approval of the text amendment request. The Planning Board considered this request during their regular meeting in November and recommended that the request be approved.

Mayor Price asked Mrs. Stultz to come forward for a report.

Mrs. Stultz explained that this particular request was basically housekeeping. The way the Flood Damage Prevention section of the zoning ordinance currently reads, it refers to positions that were no longer in existence with the City of Eden. The ordinance was drafted before there was a Planning Director and the department was formed. She explained that they were just asking that the Council change the wording so that it would match everything else in the zoning ordinance.

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

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

MONTHLY FINANCIAL REPORT:

(a) Financial Report.

Mayor Price noted that they have really been blessed with good information from their Finance Department. He encouraged the Council to call the Finance Department if they have any questions.

A motion was made by Council Member Myott seconded by Council Member Epps to approve the Finance Report. Council Members Vestal, Myott, Nooe, Tuggle, Epps and Turner voted in favor of the report. Council Member Gover voted in opposition. This motion carried.

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

REQUEST AND PETITIONS OF CITIZENS:

Mr. Shane Hensley, 11 The Boulevard, explained that he was a lifelong resident of Eden. He rode his bike in that area and grew up within two or three blocks of the Boulevard. He explained that he had purchased several houses on The Boulevard and probably bought most of them to keep drug houses from coming in.

Saying all that, he stated that it seemed that no matter how hard he tried, there was a particular area that he seemed to keep having to make calls on. He noted that it was at the intersection of Oak Street and The Boulevard. He pointed out that across from Mildred's Kitchen there was a two story brick frame house. On that corner for the last five or six years there has been illegal drug activity going on. About 90% of the theft in the Leaksville-Spray area was migrating from that residence. He stated that he had been the victim of theft from that residence. He stated that he was out on the streets and dealt with the public every day. He stated that he knew who did it but he could not prove it.

He explained that his point was if they could clean up that little block there, in particular that house, they could make life easier for a lot of the Boulevard residents and the Police Department. He noted that he and his father called the Police Department probably 20-35 times a week in the summer. He stated that he was trying to say that they could actually cut costs if they could do something with that house.

He noted that he did not know how many special agents were cut in the last year, but they were starting off a new year, if they place some officers in at ground level, beating the bushes, it would cut traffic stops down, crime down, and citizens would be happier. He referred to the situation at Irving Avenue. A couple of undercover agents went in there and when those drug dealers saw them come in there they shriveled up. He stated that his thought and prayer was this, that as citizens and Council Members of Eden, they would take this seriously. There were young people, whose lives were in their hands. He did not want to look at his son one day and say that he did not know what he could have done, but (instead) they took a stand in 2004 and this was the results.

Mayor Price thanked Mr. Hensley for his comments and asked him also to make some comments regarding The Boulevard and Manley Street intersection (*a traffic study was to be presented to Council later in the meeting*).

Mr. Hensley replied that on that particular incident Manley Street dead-ends to the left from Church Street to Oak Street and on the right it leads into Hamilton Street. At that intersection, ever since he could remember, there has been a caution light. This light has been out since October. He noted that traffic tends to speed through there and it makes it hectic coming out of either side of Manley. On one particular side there is a blind spot. That caution light was really helpful to the residents of The Boulevard and he would sure appreciate the Council taking it under consideration.

No one else spoke at this time.

UNFINISHED BUSINESS:

(a) Consideration of Planning Organization Appointments and Reappointments.

Community Appearance:

Council Member Turner nominated Becky Smothers to represent Ward 1.

Board of Adjustment:

Council Member Nooe nominated Franklin Galloway to represent Ward 2.

Planning Board:

Council Member Myott nominated Melinda Joyce to represent Ward 3.

Council Member Epps nominated Kenny Kirkman to represent Ward 4.

Tree Board:

Council Member Vestal passed at this time.

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Board of Adjustment:

Council Member Tuggle nominated Cleveland Ellison to represent Ward 6.

Historic Preservation:

Council Member Tuggle nominated Shirley Allen to represent Ward 6.

Planning Board:

Council Member Tuggle nominated Virginia Lynn to represent Ward 6.

Tree Board:

Council Member Tuggle nominated Larry Turner to represent Ward 6.

ETJ:

A motion was made by Council Member Epps seconded by Council Member Gover to appoint Mr. Sam Gilbert to the Board of Adjustment to represent the ETJ. All Council Members voted in favor of this motion.

A motion was made by Council Member Tuggle seconded by Council Member Gover to approve the following: Community Appearance, Ward 1 representative Becky Smothers; Board of Adjustment, Ward 2 representative Franklin Galloway and Ward 6 representative Cleveland Ellison; Planning Board, Ward 3 representative Melinda Joyce, Ward 6 representative Virginia Lynn, and Ward 4 representative Kenny Kirkman; Historic Preservation, Ward 6 representative Shirley Allen; Tree Board, Ward 6 representative Larry Turner. All Council Members voted in favor of this motion.

NEW BUSINESS:

(a) Consideration of an ordinance for the demolition of a building located at 620 Fraker Place.

The memorandum explained that the Human Habitation Standards Ordinance and the enabling legislation permit the City Council upon adoption of an ordinance to order the repair or demolition of a structure. An estimate for the demolition of the structure on this property is \$4,500. Once the demolition is done at City expense, actions can be taken to recoup the funds in the same manner as the collection of special assessments.

Mrs. Stultz explained that they had been dealing with this case for some time.

Council Member Vestal asked if she was able to get in touch with the three pages of owners.

Mrs. Stultz replied that those were all the potential owners, they sent mail to all the addresses that they had and they notified them in the newspaper, which was what this was about.

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

(b) Consideration of an ordinance for the demolition of a building located at 429 Monroe Street.

The memorandum explained that the Human Habitation Standards Ordinance and the enabling legislation permit the City Council upon adoption of an ordinance to order the repair or demolition of a structure. An estimate for the demolition of the structure on this property is \$5,500. Once the demolition is done at City expense, actions can be taken to recoup the funds in the same manner as the collection of special assessments.

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

(c) Consideration of a Resolution declaring support of Eden Greenways.

The memorandum explained that the Dan River Basin Association and others have been working with city staff toward preliminary development of such a system. Numerous citizens have expressed their interest and support of this project. This

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

resolution endorses the concept of a city wide greenway system, which will enable the city to pursue grants and explore opportunities for development of a greenway system. The resolution does not obligate the city to any funding.

A RESOLUTION OF THE CITY OF EDEN CITY COUNCIL
DECLARING SUPPORT FOR EDEN GREENWAYS

WHEREAS, the CITY OF EDEN is rich in natural resources and beauty; and

WHEREAS, the health and well-being of its citizens is a goal of the City of Eden; and

WHEREAS, an Eden Greenways System would provide opportunities for leisure-time physical activity for citizens of all ages; and

WHEREAS, an Eden Greenways System would help to attract visitors and prospective employers to the City;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Eden, North Carolina, meeting on January 20, 2004, does hereby endorse the concept of an Eden Greenways System throughout the City.

In witness whereof I have hereunto set my hand and caused the seal of Eden to be affixed.

Philip K. Price
Philip K. Price, Mayor

ATTEST:

Kim J. Scott
Kim J. Scott, CMC, City Clerk

A motion was made by Council Member Epps seconded by Council Member Turner to approve this request.

Council Member Vestal asked if these were 100% grants.

Mrs. Stultz replied that before they actually applied for anything, they would be coming back before Council to get permission. The DRBA people have some ability to apply for grants that would be in the name of the city that at this point she had no knowledge of any request of funding from the city.

Council Member Nooe noted that it said there was no obligation to the city; he asked if that was for anything, as far as easements, surveys....

Mrs. Stultz replied that she thought what it meant was that this was not obligating them to vote for or against anything that comes before them in the future; it was just a support of greenways as a concept.

Council Member Nooe asked if nothing was being requested to be done by the city so far...

Mrs. Stultz replied that the only thing that has been requested was some title work to be done by Mr. Medlin for an area that the greenway committee was considering as its pilot area.

Council Member Nooe questioned the cost of that.

Mrs. Stultz replied that she did not know, but she could get that from Mr. Medlin and let them know.

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

(d) Consideration of traffic study – Burton Street and adoption of ordinance.

The memorandum explained that at the request of Council Member Bruce Nooe, a traffic study was conducted on the area of Burton Street that intersects with Patrick Street and Hamilton Street. Presently this is an eastbound one-way street from Hamilton Street and intersects with Patrick Street.

According to the Solid Waste Superintendent Jerome Adams, the trash truck is having problems operating the mechanical arm while picking up trash containers because of utility lines. Mr. Adams further stated if the direction of the one-way was reversed the truck driver would not have to deal with the obstruction that the utility lines creates and it would make the job easier for the truck operator.

This one-way portion of Burton serves five residents and one business. Contact has been made with these citizens and they do not have a problem with reversing the one-way direction.

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The recommendation of the police department is to reverse the present one-way direction of Burton Street to westbound traveling from the intersection of Patrick Street to the intersection of Hamilton Street.

A motion was made by Council Member Epps seconded by Council Member Myott to approve this recommendation (and adoption of ordinance). All Council Members voted in favor of this motion.

(e) Consideration of traffic study – The Boulevard and Manley, and Manley and Hamilton adoption of ordinance.

The memorandum explained that on January 7, 2004, Council Member Chris Myott requested a traffic study at two areas of Manley Street. This request included the flashing caution light on Manley Street at the intersection of The Boulevard and a vision obstruction on Manley Street at the intersection of Hamilton Street.

The recommendation of the police department would be to repair or replace the existing flashing caution light at Manley and The Boulevard and the recommendation of the police department would be to request that the residents at 126 Hamilton Street lower and eliminate the bushes if they are not on the right-of-way and to require them to do so if they are in the right-of-way. Also recommended that the traffic at this intersection be restricted to right turns only.

Mayor Price suggested that they may want to make a motion to approve the report and implement the changes as presented by Sergeant Frazier. He noted that Sergeant Frazier had given a good report.

Council Member Myott commented that she was in favor of this recommendation and for replacing this light, as she did not think it could be fixed.

Council Member Gover stated that he did not put monetary value on safety, but \$10,000 seemed to be quite a bit of money for one light.

Mayor Price noted that traffic lights seemed to always be high. He referred the comment to the City Manager.

Mr. Corcoran explained that he asked Mr. Shipwash (Street Superintendent) to get some prices and although he had no specifics, his estimate was somewhere between \$7,500 and \$10,000 to replace the light.

Council Member Nooe questioned that it speaks of a blind spot and then not recommending a four-way stop. He stated that it seemed that with a blind spot, a four-way stop would be a benefit, so they could stop and see who was there before you pull through the intersection and if they needed a flashing light to make sure they stop, that was fine too. If there was a blind spot, you were just yielding to traffic, most people when they see a flashing yellow light, they do not slow down much at all.

Council Member Myott pointed out that there were stop signs coming out at Manley.

Council Member Nooe replied that there were none on the Boulevard. He agreed that there was a two-way stop there on Manley.

Council Member Myott pointed out that was where the blind spot was, coming out of Manley.

Council Member Nooe replied that if they cannot see a car coming on the Boulevard and they pull out in front of it, and the people on the Boulevard are not slowing down then they were still going to get hit.

Council Member Myott stated that the Boulevard was a thoroughfare and she just could not see having people stop.

Council Member Nooe replied that as a safety issue if there was a blind spot, it just seemed to him that it would be better as a four-way stop.

Mayor Price commented that it was a point very well taken. He stated that over the years that caution light had served as a good source to slow people down.

Council Member Tuggle asked if there had not been any accidents in four years there to which Chief Benthin replied that was correct.

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

A motion was made by Council Member Epps seconded by Council Member Turner to approve the recommendations of the Police Department. Council Members Vestal, Gover, Turner, Epps, and Myott voted in favor of this motion. Council Members Nooe and Tuggle voted in opposition. This motion carried.

Mayor Price also noted that a stop sign had disappeared at the corner of Creekridge Drive and Fairmont. He asked that someone check on that and give them a report.

(f) Consideration of appointment to ABC Board.

The memorandum explained that the Chairman of the ABC Board is voted on annually. Mr. Bill Johnson, Chairman, also serves a three-year term on this Board. This term expired in December.

A motion was made by Council Member Nooe seconded by Council Member Gover to appoint Mr. Bill Johnson to the ABC Board. All Council Members voted in favor of this motion.

(g) Consideration of appointment of Chairman to the ABC Board.

A motion was made by Council Member Myott seconded by Council Member Gover to appoint Mr. Bill Johnson as Chairman of the ABC Board. All Council Members voted in favor of this motion.

(h) Consideration of Mayoral appointments.

A motion was made by Council Member Gover seconded by Council Member Vestal to appoint the following: Chamber Liaison, Council Member Tuggle; Piedmont Triad Partnership and Foundation, Council Member Gover; PTCOG, Council Member Vestal; Chairman, Cable TV Advisory Committee, Council Member Epps; Members to the Cable TV Advisory Committee, Council Members Turner and Myott; Chairman, Solid Waste Committee (County), Council Member Myott; Members, County Solid Waste Committee, Council Members Nooe and Gover; and Rockingham County Partnership for Economic Development, Chairman, Council Member Vestal.

Council Member Myott questioned Dan River Water Committee.

Mayor Price explained that this committee had not been activated in a number of years. He explained that his thinking was that if they needed one they would appoint one somewhere down the line.

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

CONSENT AGENDA:

(a) Approval and adoption of minutes: December 16, 2003.

(b) Approval and adoption of a motion to donate a radio mast and antenna from the old Police station to the American Red Cross.

The memorandum explained that the American Red Cross has requested that the City donate a base antenna system to them for use in emergencies. The system in question is located at the old police station at 344 W. Stadium Drive. The Police Department has no use for the old antenna system.

The City Attorney noted that there would be no problem with the City donating the antenna system to the Red Cross if the building had not been sold yet. It was recommended that the City make the donation.

(c) Approval and adoption of a motion for a safety committee member.

The memorandum explained that Mr. Patrick Willard be considered to serve on the Safety Committee as a representative of the Street Department. (Two-year term)

(d) Approval and adoption of facilities for Phase III PARTF Grant.

The memorandum explained that the Park Committee and Parks and Recreation Department held a Public Hearing on December 11, to discuss recommended facilities for Phase III of Freedom Park. Suggestions were presented by several residents to the attending Park Committee members and City Staff. These suggestions were presented to the full Park Committee at their December 16 meeting and motions were made for facility recommendations to the City Council.

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

With the aid of public input, the Park Committee recommended the following facilities for Phase III at Freedom Park: Skate Board Park, Amphitheater, Concession/Bathroom Building and a Nature Trail. Also, support facilities will include a parking area, water/sewer, entrance road, landscaping, electrical service and site improvements.

The purpose of the memorandum is to acquire approval from City Council to include the above facilities in the \$500,000 PARTF grant application for 2004.

Council Member Nooe stated that from past discussions, he understood that the monies from the sale of the old park (Highway 14) were going to be used to complete what was already under construction and he just wanted to get input. He asked if everything on the original phase had been fully funded or completed.

Mr. Joey Conner, Director of Parks & Recreation, explained that Phase I was funded through the PARTF Grant, \$300,000. Phase II was part of the \$400,000 the city actually borrowed, paying back \$50,000 a year for ten years, with Council's approval, and Phase III would actually take in the \$210,000 from the sale of the park, plus some of the money that the Park Committee had raised over the years. He estimated that money was in the area of \$70,000 - \$75,000 and then they had a \$28,000 grant from McDonald's, so the \$210,000 plus the other money received (\$70,000 and \$28,000) was supposed to take care of this PARTF Grant.

Council Member Vestal commented that this would go in to item (e) so he questioned the wording "I hereby certify the information in the attached is true and correct and the 50% required matching funds will be available during the project period." "As indicated on the Certification Form, the City of Eden will be responsible for a \$250,000 match grant." He then went to the last page of the memorandum and noted that it said "you should receive \$210,000 from the sale of the old park." He stated that he did not want to get the cart in front of the horse, if that person backed out and decided not to buy the park; they (city) would not have \$210,000.

Mr. Conner replied that he would think that at that time if that was the case they would withdraw the application. Hopefully, they would have a decision before May.

Council Member Vestal explained that he was hoping nothing happened, but stressed that the city would be responsible for \$250,000 if that grant went through.

(e) Approval and adoption of PARTF Assurance Certification Approval.

(f) Approval and adoption of Lease Agreement: Harold R. Gearhart.

(g) Approval and adoption of a resolution to terminate restrictive covenants on old city park.

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

VOUCHERS:

Mayor Price encouraged everyone to go through the vouchers.

CLOSED SESSION:

A motion was made by Council Member Tuggle seconded by Council Member Epps to go into Closed Session for Discussion of Personnel pursuant to GS 143-318.11(a)(6) and for discussion of Economic Development pursuant to GS 143-318.11(a)(4). All Council Members voted in favor of this motion.

January 20, 2004

City of Eden, N. C.

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

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.

ADJOURNMENT:

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

Respectfully submitted,

Kim J. Scott
City Clerk

ATTEST:

Philip K. Price
Mayor