

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, May 18, 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:		Kim Mitchell, <u>Eden Daily News</u>
		Lisa Doss, <u>Eden's Own</u> , Mike Moore,
		<u>WLOE</u> , <u>Greensboro News &amp; Record</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. Wayne Johnson, Pastor of Trinity Wesleyan Church was present to give the invocation.

PROCLAMATION:

Mayor Pro Tem Myott recognized Osteoporosis Month by reading the following proclamation:

**PROCLAMATION  
OSTEOPOROSIS MONTH**

**Whereas**, Osteoporosis is a debilitating bone-thinning disease in which the skeleton becomes so fragile that the slightest movement can cause a bone fracture. Osteoporosis is a public health threat for 44 million Americans, 80 percent of whom are women. It takes a terrible human toll of death, pain, impaired mobility, and disruption of daily activities and costs our country merely \$17 billion every year. Its victims lose their independence, and their families share in the heartache; and

**Whereas**, Almost 1.27 million North Carolinians were estimated to have either Osteoporosis or Osteopenia (low bone mass) in 2002 while the projected number is expected to increase by 25% by 2010, totaling 1.59 million North Carolinians. The medical costs associated with Osteoporosis for 2005 are estimated to be almost \$514 million for the state of North Carolina; and

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**Whereas,** Osteoporosis stands as a foremost problem in women's health issues. The disease is more prevalent among women, and has risk factors and interventions, which are different for women. Because of generally lower income and lack of health care reimbursement for necessary testing, women encounter significant barriers to early diagnosis. And because women have a longer life expectancy, the likelihood of developing fractures associated with osteoporosis is greatly increased; and

**Whereas,** One out of every two women and one out of every four men over the age of 50 will suffer an osteoporosis-related fracture; and

**Whereas,** Building peak bone mass during childhood and young adulthood is critical to reducing the chance of developing Osteoporosis later in life and a healthy lifestyle with no smoking and limited alcohol intake, and medication when appropriate can help prevent osteoporosis; and

**Whereas,** Methods do exist to detect the disease before fractures occur and people will take preventive action to reduce their risk of Osteoporosis if they are informed.

**Whereas,** The American public is called upon to observe National Osteoporosis Prevention Month, May, 2004, with appropriate programs and activities.

**NOW THEREFORE, I** Christine Myott, Mayor Pro Tem, of the City of Eden, North Carolina, do hereby proclaim the month of May as

**OSTEOPOROSIS MONTH**

And urge all civic, scientific, medical, educational, voluntary, governmental, and health care organizations and professionals to recognize the importance of Osteoporosis prevention with education and information programs and activities for the citizens of the City of Eden.

s/Christine H. Myott  
Mayor Pro Tem

ATTEST:  
s/Kim J. Scott  
City Clerk

ADDITIONS AND DELITIONS:

Mayor Pro Tem Myott noted that items 4(b) and 7(a) were pulled from the agenda and the following items were added to the Consent Agenda: 9(l) Interlocal Solid Waste Agreement and 9(m) proposed dedication of E. Arbor Lane, Linden Drive to S. Pierce Street extension.

PUBLIC HEARINGS:

- a. Consideration of a zoning text amendment request to amend Sections 11.24 (f)(1) Business Central; (g)(1) Business-General; (j)(1) Business-Highway #2; (1)(1) Industrial-I; (m)(1) Industrial-2 and Section 11.29(a) Definitions pertaining to Automobile Towing and Temporary Storage Services. Request Submitted by the Eden City Council. ZONING CASE Z-03-15.

The memorandum to Council explained that at a regular meeting on April 20, the Council scheduled this public hearing to hear comments regarding a zoning map amendment request filed by Council. The request is to amend Section 11.24(f)(1) Business-Central; (g)(1) Business-General; (j)(1) Business Highway #2; (1)(1) Industrial-1; (m)(1) Industrial-2 and Section 11.29(a) Definitions pertaining to Automobile Towing and Temporary Storage

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#### Service

The Planning and Inspections Department recommended approval of the map amendment request. At their April regular meeting, the Planning Board voted to recommend that the City Council approve this request.

Mayor Pro Tem Myott asked Mrs. Stultz to come forward with a report.

Mrs. Kelly Stultz, Director of Planning and Zoning, explained that this was an issue about which the Council has had much discussion over the last two or three years. Early on, they made some recommendations and at this point, after an initiation by Council, they undertook to look at the regulations again. She pointed out that they did know that the ordinance was fairly ambiguous about where automobile repair was allowed and what it was called. One of the things they had tried to do with the proposed amendments was to try to make it clear and similar all through the ordinance. The other things had to do with the actual towing and temporary storage.

Early on staff recommended that they only allow twenty vehicles in the business districts. The Council decided at that point to do fifty. She stated that they had seen some evidence that fifty was too many on some of the smaller sites. They then made a recommendation to the Planning Board and they endorsed that, to reduce it to thirty vehicles on properties that were less than one half acre in size.

The other thing had to do with the kinds of screening and fencing required. They suggested that nothing be allowed to be stored that was higher than the fence and the screen. At the time it was stored in there, there were some questions and it was debated that they were required to put up plants on the outside of a fence that would be six feet in height and they would grow to much taller, but then some piece of apparatus could go into that storage area that was taller than that, so the Planning Board recommended that whatever was in the fence needed to be covered up by the fence and the screen at the time.

One of the other things they did, she had realized there was no clear definition of what temporary was in storage. She explained that they added "no storage of parts and materials or overnight storage of any vehicles either junked or wrecked which have been inoperable and on the site for more than thirty days shall be permitted outside the screened area of the property". She noted that issue was highly debated because there were times when a car had no battery or some small missing part and it was not visibly wrecked, but after it was there for a certain amount of time, it needed to leave or go inside the fence.

She noted that this was an issue that was tricky for a lot of communities and theirs was no exception. These were viable businesses that needed to be permitted to operate and to operate in such a fashion that they could pick the vehicles that need to be towed. The Police Department has generally towed in more than 800 vehicles a year that were involved in accidents and things and they need somewhere to go. They were important, they were small businessmen and they employ a lot of people in the community but it was her opinion that there needed to be some regulations to make them compatible with what was around them.

Council Member Nooe commented that he was confused about temporary storage in that in one place in there it read that temporary storage shall be defined as less than one year.

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Mrs. Stultz replied yes, but the other thing that they did not have in there was that if you had a car and it was outside the fence and it was not exactly wrecked but it did have missing parts, how long could it be outside the fence. She noted that there were some day to day repairs, such as a car comes in, it was not wrecked but just missing a part, it was gone shortly. They wanted to be reasonably flexible about that.

She explained that the reason they settled on a year for the section Council Member Nooe was referring to was that should an owner of that type find themselves having to go through the State requirements to dispose of a vehicle, having had some experience in that, it could take forever and a day to do that and they wanted to give them an opportunity to do that and if they were embroiled in that and have paperwork they were obviously not going to penalize them for it.

Council Member Gover questioned if she did not think she should specify that it had to be parked somewhere else if it was not in that fence.

Mrs. Stultz replied that she thought she had done that but if he did not think so she could certainly look at it again. Council Member Gover explained that he just wanted to stipulate that to make sure that all of them understood it to which Mrs. Stultz replied yes it was an onsite issue.

Council Member Vestal stated that he had talked to her briefly about item 9 which read "in addition to the fence, a visual screen consisting of an evergreen vegetative buffer must be provided facing any adjoining property or street right-of-way." He noted that they have some locations that the sidewalk goes right up to the fence itself. That would put a hindrance on these people to put a vegetative buffer there.

Mrs. Stultz replied that they had talked about that and it says in the ordinance that it was up to a determination by the zoning administrator and if there was a hardship there and the zoning administrator decided that there was no way for them to do it, amends could be made. Another thing, the decisions of the administrator could always be appealed.

Council Member Vestal stated that he just wanted it as part of the record as the ordinance did not state that.

Council Member Gover asked if she would notify all the towing people about these changes and the public hearing.

Mrs. Stultz replied that her plan was to go to the privilege license list and get everybody who has a car repair facility or tow truck license and send them all a letter.

Mayor Pro Tem Myott called for the public hearing and asked for those wishing to speak in favor or in opposition to this request. As no one came forward to speak in favor or opposition to the request, Mayor Pro Tem Myott declared the public hearing closed.

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

- b. Consideration of a request to have the case lifted from the table on a zoning map

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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 during their regular meeting on January 20, 2004. 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 recommended denial of the map amendment request. At their November regular meeting, the Planning Board voted to recommend that the City Council deny this request. During Council's meeting in January, they tabled the request to allow Mr. Stewart to revise his application.

Mr. Stewart revised the request to rezone a 100 feet by 50 feet portion of his property on Cascade Avenue. The Planning and Inspections Department recommends denial of the amended request. At their April regular meeting the Planning Board voted to recommend that the City Council deny the amended request

This item was pulled from the agenda.

- c. Consideration of a zoning map amendment request and an ordinance to rezone property at 722 Virginia Street from Residential-12 to Business General. Request submitted by Joseph T. White. ZONING CASE Z-04-03.

The memorandum to Council explained that at the regular meeting of the City Council on April 20, 2004 the Council scheduled this public hearing to hear comments regarding a zoning map amendment request filed by Joseph T. White. The request was to rezone property at 722 Virginia Street from Residential-12 to Business-General.

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

Mayor Pro Tem Myott asked Mrs. Stultz to come forward with a report.

Mrs. Stultz explained that this was a case that was brought before the Planning Board last month and they recommended approval. The staff had also recommended approval. She explained that the request before them was to rezone approximately 1.17 acres from Residential-12 to Business-General. The Residential-12 district was designed as a medium density residential district. The Business-General district was generally located on the fringe of the central business district and along major radial highways leading out of the city. The principal use of the land is for dispensing retail goods and services to the community and to provide space for wholesaling and warehousing activities. Because these commercial areas are subject to public view and are important to the economy of the area, they shall have ample parking, controlled traffic movement, and suitable landscaping.

In 2000, the City Council considered a zoning map amendment request for 106 E. Aiken Road which was the lot directly east of the lawnmower shop. The request was to rezone the property from Residential-12 to Business-General. The City Council approved the request, therefore, changing the land use pattern in this area.

Based upon the character of the area, the existing businesses in the area, business-general

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district, and the zoning change made by the City Council, staff recommends in favor of the request.

Mayor Pro Tem Myott called for the public hearing and asked for those wishing to speak in favor or in opposition to this request.

Mr. Tim White, 120 Edgar Allen Drive, Stoneville, explained that most of them were aware of the limited space at their shop and really their only means of expansion was in the direction of this property. He noted that there was a creek that bordered one side and the road borders on the other side. He explained that the property owner had approached them and they agreed to purchase it if it could be rezoned to Business-General. He stated that if it was approved, they would hopefully start an expansion project sometime next year.

Council Member Vestal asked if the creek was the property line.

Mr. White replied that he thought it might go across just a tad on one side, but the city has a sewerline that runs along the creek there and there was actually no expansion that could be done anywhere.

As no one else came forward to speak in favor or opposition to the request, Mayor Pro Tem Myott declared the public hearing closed.

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

- d. Consideration of a zoning text amendment request and an ordinance to amend Section 11.31 pertaining to sign height in Business-Highway #1 zoning districts. Request submitted by the Eden City Council. ZONING CASE Z-04-04.

At their regular meeting in April, the Council scheduled a public hearing to hear comments regarding a zoning text amendment request filed by the City Council. The request was to amend Section 11.31 pertaining to sign height in Business-Highway #1 zoning districts.

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

Mayor Pro Tem Myott asked Mrs. Stultz to come forward with a report.

Mrs. Stultz explained that this request was submitted by the City Council to correct a problem that was along their major arterials. She explained that this would provide that Business-Highway 1 (B-H1) zoning districts which were interspersed along Highway 14 mixed in with B-H2 (Highway Business) and Business-Shopping Center, could all three have the same height sign. Once the issue was raised, they took a look up and down the highway it was sort of like stair steps. Therefore, the Planning Board recommended in favor of the request as well as the staff.

Council Member Vestal asked if she had found on any of her studies where they regulate square footage on any of those signs.

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Mrs. Stultz replied that they do regulate them but it was regulated in another place. It was based on the square footage of the front of the building or the front feet of the property, whichever one they choose to do.

Mayor Pro Tem Myott called for the public hearing and asked for those wishing to speak in favor or in opposition to this request. As no one came forward to speak in favor or opposition to the request, Mayor Pro Tem Myott declared the public hearing closed.

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

#### MONTHLY FINANCIAL REPORT:

##### (a) Financial Report.

Council Member Nooe questioned the water & sewer revenues which were below what they were last year. He asked if it was because of businesses that were using a reduced rate or no longer in operation. He noted that the percent collected so far was 70% and they were expecting 83 which made it \$1.1 million difference. He asked if that would be a problem down the road.

The City Manager, Mr. Corcoran, replied that one of the big things that was not in there was the take or pay payment that they get from National (Textiles) that comes in at the end of the year. They were seeing a little bit of less usage by one of their industrial customers but the revised contract rates were revised in January and the take or pay figure was showing now that it should be about at the same volume as it was last year.

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

#### REQUESTS AND PETITIONS OF CITIZENS:

##### a. Tony Gibbons from ReDirections to address Council:

Mr. Tony Gibbons of ReDirections noted that the Council had received a packet with information about his organization. He explained that his purpose for being there was to highlight the agency and the work they do in the community. He noted that they had put in a funding request for about \$500 to help support their efforts. He added that he knew that it was not a lot of money and they were facing a lot of challenges with the economic situation, but aside from that, he also thought it was a good opportunity to introduce himself and his agency as about 35% of their clients were from the Eden area.

He explained that they had a number of different programs that represent conflict resolution in the courthouse, the community, in the schools, as well as sentencing services that address criminal behavior for defenders.

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Mr. Gibbons stated that their agency had been in Rockingham County for about thirteen years and had traditionally received a good percent of their money from the State, but because of the tremendous economic woes that has been reduced. Mr. Gibbons added that they did receive some money from the county school system as well as about \$6,000 from Wentworth Town Council for a peer mediation program for Rockingham County Middle School and high school. He pointed out that in focusing on Rockingham County; they have been able to save about \$1.3 million a year with just mediation and sentencing services. He asked that as they work their way through the budget session, he wanted them to take into consideration their request.

Council Member Tuggle asked how much they did with the schools.

Mr. Gibbons explained that they have two school based mediation programs that were conflict resolution in nature. The peer mediation program was solely funded from Wentworth, along with some fund raising activities and a couple of grants along the way.

He explained that the conflict resolution techniques was in two formats; one by training maybe thirty individuals at a school to do the advanced levels of mediation peer to peer. As a conflict might arise rather than an adult being moderator in that conflict, they have a couple of fellow students sitting in as they work individuals through a discussion to try to identify what the conflict was and then have them build an agreement that would have a better impact and lasting effectiveness of resolving the conflict.

Council Member Tuggle asked if they did elementary, high school or a mix of them all.

Mr. Gibbons explained that their goal over the five years was to get a staggering system in place for the middle and high schools so that it fed into them, but then with elementary by year four, get into those schools with a curriculum that was a little more catered to that age group. At this point they have provided one training for all the high schools. The only middle school that has received it was Rockingham Middle School because of the funding from Wentworth, they would like to get into all the schools, but the bottom line was funding.

Council Member Tuggle asked if he got more referrals than they had people to deal with.

Mr. Gibbons replied no, they had plenty of folks that deal with it and that was partly because on each of the programs were on the early stages of development. The Rockingham Middle and High School was probably the furthest along than any of the schools and they were seeing anywhere from a dozen to twenty cases a year.

Council Member Tuggle commented that he was not familiar with the program, but he had dealt with this type of stuff a lot.

Mr. Gibbons added that they saw an increase in the 16-18 year olds in their adult programs where they were dealing with misdemeanor and felony level offenders, so they were able to see somewhat of a correlation of individuals in schools handling a conflict and how they end up in the court system later in life. So, trying to take a more preventative tack with it, and much more cost effective, they did what they could do to bring those philosophies to the schools.



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He explained that for the other program, they get about \$10,000 from the school system to administer what was called a "truancy mediation program" and this year approximately 160 individuals would have landed in court because of violation of the truancy laws. They were able to work with the social workers and the families and the school system to get a neutral setting to identify why that individual was not showing up at the school.

Mayor Pro Tem Myott thanked Mr. Gibbons for his comments.

Mr. Drewey Pulliam addressed Council:

Mr. Drewey Pulliam explained that the town had been sending him letters regarding a house, which had not been his until just recently. He stated that he was a beneficiary, but actually the deed was not in his name. He explained that the attorneys, when they drew it up they put him as a beneficiary but he found it was a lot of trouble to get a deed in his name like that. He explained that the lady that bought the home, she passed away in about a year and a half. This past week he finally got a quit claim deed recorded. He stated that they wanted to tear the house down and actually it was a better house than a whole lot of people were living in now. He pointed out that he had put about \$2200 worth of windows in it, it had new floors in it and it had central air and heat.

He stated that he had a picture of the home about the time they started writing the letters, right after this family moved out. They (city) were saying the roof was bad and the walls were swaging. He explained that he had a contractor come over and look at it who said that he did not know who checked the house but there was a whole lot less work to do to it than what he had on there. He explained that he did not have any kind of problems there except finishing up the plumbing where they put in new floors.

He explained that he was on a fixed income and only got a little over \$600 a month. You could not do much with that. He stated that his property was paid but he found out he was having trouble getting a loan right now due to the fact that had had some debts brought against him back when the city was cleaning up his property.

Mayor Pro Tem Myott asked if he was talking about 444 Early Avenue to which Mr. Pulliam replied he was. Mayor Pro Tem Myott noted that they would be coming to that in just minute. (*Item 8(b)*).

UNFINISHED BUSINESS:

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

This item was pulled from the agenda.

NEW BUSINESS:

a. Consideration of a traffic study of Maple Street and adoption of an ordinance to reduce

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the speed limit from 35 mph to 25 mph.

The memorandum explained that as per the request of the Honorable Chris Myott, a traffic study was conducted at Maple Street. This study consisted of the proposal to reduce the existing speed limit of 35 mph to 25 mph from the intersection of Center Church Road to the intersection of Irving Ave.

Maple Street intersects with Center Church Road, Irving Ave., Williams Street, and Willow Street. Maple Street is an undivided two-way street for north and southbound traffic, and is a residential area.

This neighborhood has changed from once an area of mostly older adults to presently a younger generation with a growing number of children in the area.

The initial request was to reduce the speed limit on Maple Street from the intersection of Center Church Road to the Irving Ave. intersection. At this particular location, the street is wide but narrows after passing the Irving Ave. intersection.

The recommendation of the police department is to reduce the speed limit from 35 mph to 25 mph for the entire area of Maple Street.

A motion was made by Council Member Epps seconded by Council Member Vestal 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 444 Early Avenue.

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 upon adoption of an ordinance to order the repair or demolition of the structure. An estimate for the demolition of the structure on this property is \$6,500. Once the demolition is done at the City expense, actions can be taken to recoup the funds in the same manner as the collection of special assessments.

Mrs. Stultz explained that this was a house about which they had received numerous complaints. It was located on Early Avenue and the building inspections staff said that it has seriously leaning or buckling interior walls, deteriorating supporting members (33%), outside walls or covering, insufficient floors or roofs, dilapidation, decay, unsanitary conditions or disrepair, lack of proper electrical, heating or plumbing facilities, and a lack of connection to potable water supply or other approved sewage systems.

In September of 2003 Mr. Pulliam advised them that he would have the house firmly rehabilitated and to meet code within sixty days and that did not happen. On March 1, 2004, he missed the hearing but his attorney called to say that he was preparing a deed to deed it to him.

She explained that the property was actually listed in the name of Sally Franks. She purchased it from Mr. Pulliam and his now deceased wife in 1992. At that same time she borrowed some money from Mr. Pulliam for the purchase of the home and there was a deed of trust against it. This house has been in a state of disrepair for some time and they have searched the State over for Sally Franks. She noted there were four women in North Carolina named Sally Franks and they have served them all. Two of them have called and said they were not the one.

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About a month ago Mr. Pulliam met with a member of her staff at the site. He and the contractor were working on the house and they had indeed put some siding up and some new windows. She added that however did not correct the deteriorated conditions that were in place. At that time he asked Mr. Bolden (Chief Codes Inspector) for some more time. Mr. Bolden told him that he was not in a position to do that. She stated that they called her and the contractor at that point was unaware that Mr. Pulliam did not own the house. She stated that she talked with the contractor and told him that at this point, with the state of disrepair, she could not see that she could with clear conscience grant him any additional time. She added that Mr. Medlin had checked the title several times to see if there have been any evidence of anything changing hands and with all that in mind, they could see that they had a bid in the amount of \$6500 to take it down, in the assumption that the Fire Department could not burn it.

Council Member Gover asked Mrs. Stultz if she had looked at it to see if those repairs have been made.

Mrs. Stultz replied yes and none of the real structural things have been repaired. The house has wiring that needs to be done and their chief inspector still believed it was an unsafe house and it needed to be removed.

Council Member Gover questioned the flooring to which Mrs. Stultz replied that she thought that he had put in some new flooring in places but he had not corrected the fact that the mechanism that supports the floors needs work and putting new floors on top of that does not solve the problem.

Council Member Tuggle asked how long this had been going on.

Mrs. Stultz replied that they had started a condemnation on it once before, but this case began late last summer.

Council Member Gover stated that he was confused on the deed being in whose name at the appropriate time. He asked if it was in his name or Sally Franks' name a year ago.

Mrs. Stultz replied that a month ago it was in Sally Franks' name, because every time he had suggested it they have asked and Mr. Medlin's office has checked it.

Council Member Gover replied yes, but a year ago they were not working with Mr. Pulliam on the house.

Mrs. Stultz pointed out that they were sending him letters and he was refusing them because he had a deed of trust. She added that the sheriff had served him several times.

Mr. Medlin added that if there was any question about whether or not Mr. Pulliam had acquired a deed to the property and to what effect that would have on the proceedings, to his opinion it has no bearing on the proceedings. He explained that it was a quitclaim deed which was not a warranty deed so the person who was transferring it was not guaranteeing the title that they have. He noted that it was Ronnie Franks, which could be a relative of Sally G. Franks. He added that

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he did not know if that was the only relative of Sally G. Franks, assuming that she was deceased, which they did not know that either, but Drewey Pulliam had been made a party to all of these proceedings and received all of the benefits of due process, notice and opportunity to be present at the hearing, which he was, and so he had not been denied anything in this process, so the fact that he now has acquired the title does nothing because it was still moving forward.

Council Member Nooe asked who would be the owner to which Mr. Medlin replied that what he had was not a deed it was a recording receipt that he looked at, but he could not answer that question because it was either Sally G. Franks, if she was alive, or her heirs if she was deceased and they did not know about an estate. If this gentleman, whatever, who did the quitclaim deed was the only heir then Drewey Pulliam would be the owner. He added that he thought it was questionable, but he could say and was confident that all parties who could be an owner to this property have been given notice of the proceedings.

Council Member Gover explained that the reason he had asked, even though he was getting the letters, until he became owner of the property then he could not do any repairs.

Mr. Medlin added that he did them at his own risk to which Council Member Gover pointed out that was the question he was asking, why would he do repairs on someone else's house.

Council Member Tuggle added, not unless you knew you were going to get it.

Council Member Epps asked if only cosmetic stuff had been done to which Mrs. Stultz replied, yes and what they would do, obviously the brand new windows, if the Council chose to allow them to demo the house, they would salvage them, but reality was the house was in serious shape and Mr. Pulliam has promised several times he would repair it.

Mr. Pulliam commented that he was told not to spend any more money than what he had spent on the house because it was in somebody else's name. The lawyer or firm that Mr. Medlin worked with there was the one who screwed the deed up to start with.

Mr. Medlin pointed out that Mr. Pulliam meant the former firm that he used to be with, not "his" firm.

Mr. Pulliam continued by stating that the house was old Herman Peters' mother's home. He explained that Mr. Peters used to be the judge here and they lived in a pretty decent house. He stated that they keep saying the roof was bad, (but) it had been on there 3 or 4 years. It was a new roof, sheeted out and he had too much money in it to stand by and if he needed the money it would already be fixed up. He added that he was a World War II veteran and he did not get a pension or anything like that, only Social Security.

Council Member Gover stated that she was obviously saying it could not be salvaged.

Mrs. Stultz explained that when they do these housing code cases it requires estimation that if the thing has deteriorated beyond a certain point or it has these problems that make it unsafe. She added that she supposed that if somebody were passionate about this piece of property they could spend enough money on it to bring it up to code. She noted that it had been there this long and it

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has been in a deteriorated state and they have been getting complaints about it for several years. She also added that this was not the first time they have had discussions with Mr. Pulliam about it, and years and years ago she actually had some discussion with Sally Franks. She added that it had been a long process, she understood his concerns, but the bottom line was, it was a derelict structure and unless somebody was willing to step in and spend the money it was one that needed their attention.

Council Member Tuggle commented that he personally would like to go see it as he hated to vote on something like this without having to actually see the property.

Council Member Gover added that he was guilty also, he normally looked, but he did not this time.

Mrs. Stultz explained that it was past the garage coming up the hill, there was the white house with lots and lots of cars and this house was the one next door. She added that the last time she was by there a toilet was on the front porch.

Council Member Epps noted that Mr. Pulliam has pointed out that he was on a fixed income and did not have the money to fix it.

Mr. Pulliam stated that he was also working on a loan now.

A motion was made by Council Member Tuggle seconded by Council Member Turner to delay the decision until the next June Council Meeting. All Council Members voted in favor of this motion. This motion carried.

CONSENT AGENDA:

- a. Approval and adoption of minutes: April 20, 2004.
- b. Approval and adoption a motion for a Piedmont Pottery Festival Banner to be placed at 680 Van Buren Road - in front of BB&T bank from May 17 to June 5, 2004.
- c. Approval and adoption of "A Resolution To Pursue Special Order By Consent With The Environmental Management Commission To Mitigate Sanitary Sewer Overflows In The Meadow Greens, Covenant Branch and Dan River Wastewater Collection Subsystems".

**A RESOLUTION TO PURSUE SPECIAL ORDER BY CONSENT WITH THE ENVIRONMENTAL MANAGEMENT COMMISSION TO MITIGATE SANITARY SEWER OVERFLOWS IN THE MEADOW GREENS, COVENANT BRANCH AND DAN RIVER WASTEWATER COLLECTION SUBSYSTEMS**

**WHEREAS**, the City of Eden owns, operates and maintains a central sanitary sewer collection system for the benefit of the citizens of the City; and

**WHEREAS**, repetitive and large sanitary sewer overflows at Meadow Greens, Covenant Branch and Dan River Pump Stations have occurred and remain an imminent threat; and

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**WHEREAS**, these pump stations are currently unable to comply with the terms and conditions that are to be stipulated in the City's forthcoming system-wide collection system permit; and

**WHEREAS**, the City desires to construct a Special Order by Consent with the staff of the Environmental Management Commission to provide regulatory relief for the City in exchange for compliance with the forthcoming system-wide collection system permit by completing the required Meadow Greens, Covenant Branch and Dan River Pump Station upgrades;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council that the City of Eden pursue and negotiate a Special Order by Consent that will be satisfactory and beneficial both to the City and the Environmental Management Commission

**DULY RESOLVED THIS THE 19<sup>th</sup> day of May, 2004.**

**ATTEST:**

S. Brad Corcoran  
City Manager

Christine H. Myott  
Mayor Pro Tem

d. Approval and adoption of a motion to hold a public hearing and to consider an ordinance for a zoning text amendment to amend Sections 11.24(e), (f), (g), (i), (j), (k), (1), (1-a) and (m) dealing with landscaping requirements for parking lots. ZONING CASE Z-04-05.

e. Approval and adoption of a motion to hold a public hearing to amend Section 11.24 (f) and Section 11-26 - the Board of Adjustment section of the City of Eden Zoning Ordinance pertaining to residential uses in the Business-Central and Business-General zoning districts as a special use. ZONING CASE Z-04-02.

f. Approval and adoption of a motion to hold a public hearing for financing approval for Water and Sewer Improvements and Economic Development Initiatives as required by the LGC.

g. Approval and adoption of 2004 Street Contract - Request to Award Contract.

The bids were as follows: APAC-Atlantic, Inc. \$357,551.60; Thompson's Inc. \$396,864.56; Roy N. Ford Co. \$520,803.50; and Triangle Grading and Paving \$576,140.40.

In a memorandum from Mr. Bev O'Dell and Ms. Tammy Amos, Engineering Department, a total of four (4) responsive bids were received on the project. The low bidder for the project was APAC-Atlantic, Inc. in the amount of \$357,551.60. The recommendation was for approval to award the 2004 Street Contract to APAC-Atlantic, Inc. at the total bid amount of \$357,551.60.

h. Approval and adoption of renewal of Bulk Transport Agreement.

The memorandum provided to the City Council stated that currently the City of Eden has an informal agreement with Waste Management of the Piedmont to provide transport bulk waste to the Rockingham County Landfill. The haul rate per load submitted by Waste Management was \$7.49 lower than the closest competitor, The rental rate for roll off units was \$25.00 less per unit than the closest compactor.

Waste Management desires to renew the current agreement for one year with no increase in rates.

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Due to the high volume of bulk waste at times, there have been occasions that delays were experienced in getting containers transported in a timely manner. This problem has been addressed and improvement has been made in this area by Waste Management and maintained at an acceptable level.

The recommendation was that the bulk transport haul agreement be extended with Waste Management of the Piedmont for a term of one year with the option to renew. The projected cost for this service for the 2004/2005 FY is \$29,000 and is included in the solid waste budget under contracted services.

i. Approval and adoption of renewal of wood grinding contract.

In a memorandum from Mr. Benny Sexton and Mr. Jerome Adams, the recommendation was that the proposed 3 year renewal agreement submitted by Charles Blythe for the grinding of wood waste be accepted by the City of Eden.

The projected cost for 2003/2004 wood grinding operation is as follows:

Grinding of 15,000 cubic yards of wood waste (1.75 cubic yd.)	\$26,250.00
Loader for stockpiling of processed material: (\$65.00 per hour)	\$1,690.00
Boiler Fuel transport cost if option is used	\$2,205.00
<i>(the proposal noted "there may be a CPI adjustment of 5% after the first six months")</i>	
Total \$30,145.00	

j. Approval and adoption of a "Resolution Supporting an Application for Transportation Enhancement Funds for Sidewalk Improvements in the Downtown Areas"

**RESOLUTION SUPPORTING AN APPLICATION  
FOR TRANSPORTATION ENHANCEMENT FUNDS  
FOR SIDEWALK IMPROVEMENTS IN THE DOWNTOWN AREAS**

WHEREAS, the City of Eden has been accepted into the Main Street Downtown Revitalization Program; and

WHEREAS, the quality and appearance of our downtown areas is vital to the economic health of the community; and

WHEREAS, the City of Eden has identified the need for sidewalk and streetscape improvements in our downtowns; and

WHEREAS, the North Carolina Department of Transportation has established the Enhancement Grant Program which provides funding to projects that promote diverse modes of travel, increase the community benefits of transportation and encourage public involvement in the transportation planning process; and

WHEREAS, pedestrian and bicycle facilities, including sidewalks, are one of the qualifying activities eligible for funding under this program;

NOW, THEREFORE, BE IT RESOLVED that the Eden City Council supports and authorizes the application for the North Carolina Department of Transportation Enhancement Grant to fund sidewalk and streetscape improvements in the three downtown areas.

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s/Kim J. Scott

Attest, Kim J. Scott

City Clerk

k. Approval and adoption of color removal polymer bid results.

According to a memorandum by Mr. Dennis Asbury, Director of Public Utilities, two pre-qualified vendors submitted formal bids for supplying the City's color removal polymer needs. The table below summarizes the bids received:

CIBA Specialty Chemicals \$0.31 (\$/Pound)

Stockhausen, Inc. \$0.3675 (\$/Pound)

The recommendation was the acceptance of CIBA Specialty Chemicals Corporation's low bid of \$0.31 per pound.

(l) Interlocal Solid Waste Agreement.

(m) Proposed dedication of E. Arbor Lane, Linden Drive to S. Pierce Street extension.

Council Member Nooe requested that item 9(m) be pulled for discussion and Council Member Vestal requested that they also pull item 9(l) for discussion as well.

A motion was made by Council Member Epps seconded by Council Member Tuggle to approve Consent Agenda items a,b,c,d,e,f,g,h,i,j, and k. All Council Members voted in favor of this motion. This motion carried.

Proposed dedication of E. Arbor Lane, Linden Drive to S. Pierce Street extension:

Council Member Nooe questioned if there was there a one year warranty period after the city accepted it and when did that warranty period start.

Mr. Bev O'Dell, Engineering, explained that the proposed start of it now was when the master plan was actually recorded. Hopefully the plan was to have the improvements completed then, other than that one large patch which he thought they were going to play it by ear on that. They were right now planning on working on that this coming Thursday and depending upon what they find when they excavate that area and repair it, he thought if it was done well Thursday, or whenever it was done, start with the recording of the plat on June 1<sup>st</sup>, even though they were agreeing to hold off on the final 1" layer of asphalt being put on it and the striping due to the proposed traffic...it was a little different than what they normally do.

Council Member Nooe wondered what would be the best to which Mr. O'Dell replied that it would work either way.

Mr. Pete Osborne, Osborne Company, explained that he had noticed historically that whenever a street gets finished, striped and pretty that the gas company or the city or the telephone company



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or somebody, was out there tearing it up. He noted that it cost him not one penny more whether he paved it or did not pave it today because he had to put the money up to bond it with them anyway. He added that he understood his question, it was not that.

Council Member Nooe agreed, he thought it winds up a better product, it looks new and clean...he was just asking...

Mr. Osborne commented that he had the same question when he signed the warranty for the year but the way he read the Statutes it did start when it was accepted which they were proposing June 1<sup>st</sup>. He added that it made no difference to him and it was easier for him to pave it today and be done with it, but he did not think anybody would disagree that it was a much better job to leave it as long as they could. He stated that he did not think they would want to go through next winter with it unpaved, but they discover the weak places if they leave it. He used as an example the place that they were talking about that they have to undercut, they have worked like crazy to get that not to have that problem, but yet it was back. They were perfectly willing to fix it, but had they put that top on it and it had shown up a year later the city would be paying for it instead.

Council Member Gover expressed concern about the engineer's satisfaction with the pumping. He added that it was a good idea not to pave it at this time.

Mr. Osborne explained that he thought that the warranty started when it was accepted, but they were getting the advantage of getting to see how it works before they get the final coat.

Council Member Nooe asked if that was all that was left to do to which Mr. Osborne replied no, there were some other things, and actually some of the things that were in my bond they have already done. The catch basins had mud and dirt in them, actually they lacked some steps in them, the seeding was not done and that has all been done this week anyway, but all those things were bonded.

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.

Interlocal Solid Waste Agreement:

Council Member Vestal explained that he had attended the League dinner last night in Madison and talked to one County Commissioner. He noted that he was more receptive last night than he was the last time he talked with him so he thought some other people were getting to him so it was looking better than it did a month ago.

Council Member Gover added that he was there as well and he really did not think he had the background on how it transpired. The way he spoke he really did not know how it came about.

A motion was made by Council Member Vestal seconded by Council Member Epps to approve the solid waste agreement letter. All Council Members voted in favor of this motion. This motion carried.

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VOUCHERS:

Council Member Nooe questioned a voucher item on page 6 from the Department of Transportation for the Bridge Inspection.

Mr. Corcoran replied that he would take a look and get an answer to him.

CLOSED SESSION:

Closed Session for discussion of personnel according to G.S. 143-318.11(a)(6).

A motion was made by Council Member Tuggle seconded by Council Member Gover to go into Closed Session for discussion of personnel according to G.S. 143-318.11(a)(6). All Council Members voted in favor of this motion. This motion carried.

OPEN SESSION:

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

Respectfully submitted,

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Kim J. Scott  
City Clerk

ATTEST:

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Christine H. Myott  
Mayor Pro Tem