

## CITY OF EDEN, N. C.

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

Mayor:	Philip K. Price
Mayor Pro Tem:	Christine H. Myott
Council Members:	Donna Turner
	Billy Vestal
	Jerry Epps
	C.H. Gover, Sr.
	Bruce Nooe
	Wayne Tuggle, Sr.
City Manager:	Brad Corcoran
City Clerk:	Kim J. Scott
Deputy City Clerk:	Sheralene Thompson
City Attorney:	Tom Medlin
Representatives from Departments:	
Representatives from News Media:	Steve Lawson, <u>Eden Daily News</u>
	Lisa Doss, <u>Eden's Own</u> , Mike Moore, WLOE

MEETING CONVENED:

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

INVOCATION:

Pastor Shawn Austin, Summit Road Church of God, was present to give the invocation.

RESOLUTION:

Mayor Price read the following resolution recognizing Big Sweep Week:

**A RESOLUTION OF THE CITY COUNCIL  
OF EDEN  
DECLARING SEPTEMBER 25-OCTOBER 2, 2004 AS  
ROCKINGHAM COUNTY BIG SWEEP WEEK**

**WHEREAS**, Rockingham County is rich in natural resources and beauty; and

**WHEREAS**, water is a basic and essential need for all life; and,

**WHEREAS**, trash fouls our waterways as well as our landscapes; and,

**WHEREAS**, every citizen should contribute to keeping our environment clean and healthy by working together to preserve clean water and the natural beauty of our surroundings; and,

**WHEREAS**, North Carolina Big Sweep is a statewide community effort to retrieve trash from North Carolina's waterways and landscapes;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Eden, North Carolina, meeting on September 21, 2004, does hereby declare September 25-October 2, 2004 as ROCKINGHAM COUNTY BIG SWEEP WEEK in Eden, and does further hereby urge every citizen to do his or her part to restore the beauty and function of our lakes and streams by volunteering to participate in the Big Sweep event.

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

ATTEST:

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

s/Philip K. Price  
Philip K. Price  
Mayor

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PROCLAMATION:

Mayor Price read the following proclamation recognizing Employ an Older Worker Week:

EMPLOY AN OLDER WORKER WEEK

WHEREAS, the fastest growing segment of the population are those people 55 years and older; and

WHEREAS, the older workers will play an increasingly important role in our work force in the months and years ahead; and

WHEREAS, older workers bring a variety of skills and knowledge to any job, are reliable, dependable, loyal; and

WHEREAS, it is fitting that a period of time be set aside to honor these men and women.

NOW, THEREFORE, I, Philip K. Price, Mayor, of the City of Eden, North Carolina, do hereby proclaim September 19<sup>th</sup> through September 25, 1004 as

“EMPLOY AN OLDER WORKER WEEK”

and commend this observance to all citizens in our local community and urge the employment of older workers by area businesses.

Witness my hand and corporate seal of the City of Eden, North Carolina, this the 21<sup>st</sup> day of September, 2004.

s/Philip K. Price

Philip K. Price

Mayor

ADDITIONS OR DELETIONS TO MINUTES:

Mayor Price noted that there had been a resignation to the ABC Board and they would need to add an appointment to the ABC Board to the agenda under New Business.

A motion was made by Council Member Epps seconded by Council Member Gover to add appointment to the ABC Board to the agenda under New Business. All Council Members voted in favor of this motion. This motion carried.

Mayor Price noted that they also needed to add a Closed Session in accordance with General Statutes 143-318.11a(4), to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body including agreement on a tentative of economic development incentives that may be offered by the public body in negotiations.

A motion was made by Council Member Epps seconded by Council Member Tuggle to add the Closed Session to the Agenda, Item #12. All Council Members voted in favor of this motion. This motion carried.

Council Member Vestal asked that they add to the agenda an item for Mayor and Council comments.

A motion was made by Council Member Vestal seconded by Council Member Gover to add Mayor and Council comments to the agenda under Item #11. All Council Members voted in favor of this motion. This motion carried.

PUBLIC HEARINGS:

There were no public hearings for September.

MONTHLY FINANCIAL REPORT:

Mayor Price noted that there was no Financial Report due to the death of Ms. Lori Ford (Finance Director). Ms. Ford had done a wonderful job for the city and they certainly hated her loss. Here death had affected the whole community and certainly the City of Eden. He added that the auditors were doing their best to look at the financial situation and he assumed they would have a financial report, probably next month.

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Mr. Corcoran commented that they would hopefully have the report next month.

REQUESTS AND PETITIONS OF CITIZENS:

a. Request by Phil Berger to discuss property located at 401/403 Morgan Road – (Joseph E. Porter).

Mr. Phil Berger, 110 West Meadow Road, explained that he was there on behalf of his client, Joe Porter. Mr. Porter owned the property at 401 and 403 Morgan Road and in August the Council adopted an ordinance that called for demolition of at least one of those structures. He stated that he thought that sometime prior to that there was an ordinance enacted calling for demolition of 401 Morgan Road.

Mr. Berger explained that since that last meeting Mr. Porter and his brother have been busy working trying to do the best they could to clean up that structure. He noted that many were aware that this was family property and was formerly known as Porter's Store. He stated that in any event Mr. Porter let that property go down hill significantly.

He explained that he was present at the meeting to hopefully offer another choice, which would be to allow Mr. Porter to continue the work that he has begun. His plan was to create a single-family residence out of that property and at some point in the future it would actually be his residence.

Mr. Bud Stickels, a registered engineer, looked at the property and indicated that the buildings were structurally sound. He noted that the Council should have a copy of that report. He noted that the structure at this point had no electricity or plumbing and it did need some carpentry work. They have also presented the Council with proposals and estimates from Crawford Plumbing, Tredway Electric, and Sammy Massey, a building contractor, for specific renovations to that property.

Mr. Berger stated that they were not asking the Council to rescind the ordinance that was enacted in August, but they were asking for a stay of execution so to speak and they would like to have the Council consider instructing staff not to proceed with the demolition until the next Council Meeting when Council could review this matter one more time and see how much progress Mr. Porter was able to make.

He stated that he was told by Mrs. Stultz that if in fact those instructions were given, she would be in a position to issue building permits. Of course it would be done totally at Mr. Porter's risk, if he gets the permits issued and begins renovations there, and he did not keep up with things in a matter that was satisfactory to the staff then they had their ordinance that would call for the demolition.

He suggested to the Council that this was something that very well made sense from an economic standpoint. He noted that a month ago they had a dilapidated structure that had no tax base to speak of and no real use. If Mr. Porter completes his plans they would have a structure there that would have a tax base. He added that it was also something that was of some historical significance as well.

He asked that they consider the possibility of constructing staff to delay the demolition, they would come back in October and see what if any progress had been made and he hoped they would find that additional significant progress had been made so they would be willing to allow Mr. Porter to complete the construction and to leave this building in place.

Mr. Berger closed by stating that it was their estimate that it would take approximately 90 days in total to complete all of the construction they were talking about. He added that he did not know how many of them had actually been by there in the last 30 days, but he would say that it would show some significant change. He also had some photographs that had been taken and Mrs. Stultz had presented them to the Council as well.

Council Member Tuggle commented that he had been there, inside, under it and all the way around it and he had seen a tremendous difference over what he saw the last time. He walked on

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floors and they seemed to be solid, it looked like there was people working and moving lumber inside. He agreed with his assessment.

Council Member Gover questioned if they had a demolition contract at this time to which Mrs. Stultz replied that they had estimates but they were required to wait 30 days after the August meeting to do that, so no, she had not hired anyone to go out there.

Mayor Price asked what her feelings were.

Mrs. Stultz replied that as always when they were in an enforcement position they make every effort to get folks to comply. She thought that in some respects they could see that their program actually worked because he did eventually recognize there was a real issue before him. Their housing code and non-residential maintenance code were not demolition ordinances. They were designed to preserve their building stock and tax base. They never would want to tear one down if they did not have to. At this point, significant enough progress had certainly been made to give them the option before they spend the public's money to take it down.

The City Attorney, Tom Medlin, asked what the situation was on the 401 property.

Mrs. Stultz replied that the portion that was significantly damaged has been removed. Mr. Porter got a demolition permit and hired a qualified contractor. That resolved a lot of the issue with that one building. They have been keeping an eye on it and were always willing to give someone a shot.

Council Member Tuggle commented that everything was cleaned out on the bottom floor and it looked like they were working trying to do what they needed. He noted that 403 was especially clean and 401 had a lot of lumber and had enclosed the back side.

Council Member Gover stated that at one time 403 had conformed to their building or it was structurally sound, but due to 401, that condemned 403 to which Mrs. Stultz replied, no, it had its own issues.

Mayor Price asked if her department was willing to issue building permits.

Mrs. Stultz replied, yes it was her understanding that the law was that they would have to if there was not any order that the Council had in place...

Mayor Price noted that the Council had an order in place. He asked if that was removed tonight or extended for 30 days could they issue the building permits to which Mrs. Stultz replied yes.

Mr. Medlin asked Mr. Berger if he was asking for both 401 and 403 to be stayed because there were two separate ordinances for them to which Mr. Berger replied yes.

A motion was made by Council Member Tuggle seconded by Council Member Nooe to extend the order for 30 days. All Council Members voted in favor of this motion. This motion carried.

#### UNFINISHED BUSINESS:

- (a) Certification of annexation petition for property off New Street and adoption of a resolution to call for a public hearing.

The memorandum to Council explained that at the August regular meeting, the City Council instructed the City Clerk to investigate the sufficiency of a petition for voluntary annexation for property owned by TBMA Properties, LLC off New Street. With the assistance of the City Attorney, we have determined that proper signatures were placed on the petition and that TBMA Properties, LLC is the owner of both parcels of land.

This type of annexation does not have the same requirements as does an involuntary annexation. However, there are requirements with regard to fire service. In this case, the City of Eden already supplies fire protection to the property in the property in question so there will be no requirements for agreements with a volunteer fire unit.

Mr. Medlin explained that he was not sure if the map was clear enough for everyone to understand exactly what area in Tract 2 was being included. He explained that he had talked

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with Mrs. Stultz about it, but also the original petition that came in was for satellite annexation, which was just Tract 1, the large tract. He noted that was subsequently amended. He was concerned that he was not sure they had anything in writing evidencing that amendment or that change to the petition. But, there was a document distributed to them indicating that Mr. Pete Osborne had the authority for the property owner to handle this annexation and that specifically said to handle Tracts 1 and 2. So, that did include both and he was of the opinion that they were in good shape as far as the petition and the right property being requested for annexation. That changed it from a satellite annexation to a contiguous annexation and there were different rules that apply.

He noted that on the map, Tract 2 was actually the 50' strip that was labeled New Street which runs from the end of the lots to the north back side of those lots all the way down and to the east side of Tract 1, to the end of Tract 1. So, it did not just start at the beginning of Tract 1. That was where the public right of way for New Street ended and that 50' strip was privately owned. It was never dedicated and never a road. Mr. Osborne's partnership acquired the ownership of that 50' strip and then amended the request, so now it was both of those parcels that were being requested.

He stated that he did review the requirements for the voluntary annexation and everything was in place and the recommendation by the Clerk was proper and adequate and it was appropriate to call for a public hearing.

Council Member Vestal questioned the third paragraph relating to fire protection and asked if they were under a contract with Pillowtex to which Mr. Corcoran replied that was correct.

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. This motion carried.

#### NEW BUSINESS:

(a) Discussion of Drainage Priorities.

Mayor Price explained that a couple of weeks ago a request was made to clean out an area behind Front Street going over to Meadow Road and it was discussed in a committee meeting. He had commented to the City Manager, Council Member Gover and others that he was very uncomfortable with this considering past requests that had been made to the City Council over a number of years to clean out creeks and other types of tributaries that go through the city.

He explained that this was a particular situation in the area because it had some flooding for a number of years. He noted that several years ago a consultant was hired to come in and make recommendations to alleviate this flooding. They went to considerable expenses and the consultant recommended a drainage pond, changing some stand pipes in another pond and several other recommendations. He stated that he guessed they have worked, but by the same token they have continued to do things in that drainage basin area that has caused more work to come down on a continuous basis and all at once. A lot of rooftops have been constructed and they were continuing to do that right now. He added that it has created a hardship.

He stated that he was concerned that they were actually putting a band-aid on the problem. He stated that he thought they should go back to hire somebody for a consultant, to take a look at this and make a recommendation to the city. He noted that as they speak, a large roof was being constructed and they were in an area that was just growing. He stated that he thought everybody was in good faith. One comment that came in, they could do this because the sewer lines were having problems filling up with water. He added that to tell them the truth, all over this town they had sewer lines filling up the same way and along creek beds.

He stated that his concern was and the reason he wanted to bring this to the City Council, several years ago when they built that drainage pond, they hired an expert. They continue to build rooftops and continue to have more water and he thought they needed to bring the experts back in.

He stated that he was also concerned about setting a precedent about beginning to clean out creeks and branches throughout the community. They were a community of hills and valleys and

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a lot of requests have been made over and over to clean those out and Council has felt because of budgetary constraints this was just not something it could do.

Council Member Gover commented that he thought day to day activity dictates priorities and as they knew, a gentleman stood there with a dirty filter and they ran up there and put in a 6" line and he was not even on the priority list so then Matrimony Creek gets washed out and they go up there and work on that and then they have a problem on Front Street and the committee recommended going ahead and taking care of it and so he really did not see a big problem. It was just a very short distance they were looking at and it was a tremendous amount of inflow in that sewer line.

Council Member Vestal stated that he agreed with the Mayor in the fact that the city has helped create this problem. There were rules and regulations in place that were supposed to meet runoff problems. Gildan was adding on and that would create more runoff. He knew they had a holding pond that did not function properly and now there was not a holding pond there and the water runs right on down and into this creek. He thought they needed to watch these industries to make sure that they control their runoff. They have allowed this to happen and it has compounded the problem in this localized area.

Council Member Tuggle added that those houses were there before any of the industries came and as the industries come and they have these problems and it was that much runoff. He stated that if he were sitting in that area he would be the first one in line to complain, whatever it takes to take care of it. He stated that he went there and looked at it. He thought that whatever it takes to alleviate the problem for those citizens was what they ought to do. The question always comes up about taking public money and spending it on private property, but if it was a result of maybe the industries that the city was wanting to try to bring to town and the runoff as a result of it, they ought to try to help those people. He did not know the answer, but whatever it took, whether it meant cleaning dredges and ditches, personally he would like to see a priority list of all areas that have these serious problems. He was also curious to know what 5 different problems that the Engineer, Mr. Bev O'Dell had referred to.

Mayor Price replied that he had the list. The first priority was Bridge Street and Tanyard Branch. The second, Dogwood and Taft, third, Kennedy running south at the YMCA, fourth was John Street and five was North Hundley and Front, Hale and Hundley and in that same area Clark Street.

Council Member Tuggle stated that he would just like to see them have a priority list to take care of those problems; it has to be a result of hard surfacing all of those areas.

Council Member Gover stated that (with) Front Street, DEHNR was also a part of that. As they go out there on Pierce Street, for instance, they were getting ready to widen that one side with a sidewalk and drainage, but on the west side of Pierce, they have homes being flooded and it did not seem to bother anybody. A couple of years ago he tried to get one drain put in to try to help relieve that drainage problem there on Pierce Street, but he could not get anybody's attention on it. Now the State was coming down through there putting drains on one side and leaving the other. He thought it was the city's responsibility to make sure all the drains on the right side was fixed as well as the left side.

Mayor Price stated that in so far as that, the document was being prepared right now to send to the State. The City Manager has asked DOT to take a look at it.

Council Member Tuggle commented that he lived right across the street and it would have been better off to put the curb and gutter on the other side than it would be on that side.

Council Member Epps stated that he stopped through there and there was a ditch there to which Council Member Tuggle replied that it had also been draining through people's yards too.

Council Member Epps stated that in getting back to the problem in Draper, he noticed that the Attorney mentioned that possibly the people down the creek may have some problems with water after they take care of the water situation on the north side and he was wondering what that incurred.

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Mr. Medlin commented that he had something he wanted to address first. He took it first of all that everyone had seen his memo and he cautioned them that they understand that if they say, and if they pass an ordinance or take on this responsibility, because upper landowners were dumping surface waters on lower landowners, or industrial on to residential, and they want to help them, then theoretically they could be telling every resident in the City of Eden that when they come ask them, they were going to put them on the list and help them.

He pointed out that they have a private course of action that they could take. A lower land owner who was receiving surface water has a burden to receive it, but only that which was reasonable. If the cost or the damage or the injury to them was greater than the benefit that the industry was receiving then the industry was going to have to compensate them or take steps to prevent it and it becomes a trespass. In many instances where they were the only ones affected that may be the better course of action, rather than using everybody's public money to address that.

He explained that here, they have a strip that was affecting several people, but more importantly, it was affecting their sewer lines. That was a good ground to say that this situation was different from a whole lot of other people and would be a justification for public money to fix what was in essence a public problem, not just a private problem or on private property. He stated that he thought that they needed, every time they take this up, to tailor it as narrowly as possible for each position, and sort of on a fact by fact situation rather than taking a blanket policy.

In response to Council Member Epps' question about the effects of downstream, he explained that once the city says they would take on the job of cleaning it up, then they were always responsible for their own actions. To the extent that they go out and do something that increased the flow of water onto the lower landowners and it becomes a burden on them, then that was a problem they (city) have created, trying to solve one problem but creating another one. He stated that he thought that he had mentioned something that an engineer for the city or someone needed to take a look at it and make sure that what they did was not going to increase that flow to the lower landowners.

Council Member Tuggle commented that even though he had made previous comments it was obvious from the information that they have that there were three manholes in that area and that contributes to their I&I problems that has put them close to a moratorium and it certainly relates to that. He thought any of them knew that they could not use public money to try to help somebody who was a private landowner. This thing obviously has three manholes and it certainly did not help them as far as DENR goes.

Council Member Nooe suggested that there were some other options available with manholes if that was the only issue. There were watertight manholes which would not allow water in and they were a lot cheaper, if that was the issue of water getting into the manholes, maybe the Engineering Department could look into that.

Council Member Epps asked if they could be raised to which it was indicated that they could be.

Mayor Price asked if the City Manager could take a look at consultants that they had had in the past and see if they could afford to have recommendations because it was not going to go away. It was not fair to the people who were at hand to come back in six months and this water was back again.

Council Member Epps stated that he would think that an engineer or someone needed to look before they do anything to ensure that they were doing this not hurting somebody else. If they did it from there on down then it was the city's responsibility. Right now if told it was the existing industry creating the problem the company could be faced with it, but once the city opened it up then the city was going to be the one who received it. He stated that even though he voted for it he would still like to see it fixed. He believed they should still have somebody look at it before they just jump in there with backhoes and so forth and do something they might regret.

A motion was made by Council Member Gover seconded by Council Member Vestal to accept the Public Works Committee's decision to go ahead and repair the creek and Front Street using the city's forces.

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Council Member Nooe stated that he did not think they ought to go onto private property, unless they want to dedicate the property to the city by easement or deed it over to the city or whatever.

Council Member Myott asked where they would go next as they still have a priority list.

Council Member Turner questioned how old it was to which Mr. Corcoran replied that the list was developed by the Technical Review Committee about a year ago. Council Member Turner asked if this was all current problems to which Mr. Corcoran replied that this was a list of the projects that they put on that list at the time.

Council Member Myott asked if they could do them all.

Mr. Corcoran replied that he guessed they could if they had the funding, for instance project number one on that list if he remembered correctly was a \$200,000 project.

Council Member Myott asked if that was for Matrimony Creek to which Mr. Corcoran replied, no that was Bridge Street. With Matrimony Creek, they do not have a choice; the government was forcing that clean up. There was a lot of money on that list and if the Council wanted them to do it they could if they have the money.

Council Member Turner stated that she was just concerned about the priority list as it stands. She stated that #5, Hundley Street was a problem right now, so who was to say that was worse than what was going on with #1. She questioned if they re-prioritized the list and then decide what funds they have available and go ahead and start with #1.

Council Member Epps stated that he would think that right now it would be this moratorium that they have right now.

Council Member Gover added that it depended upon what they were getting ready to pass tonight, the consent order, that was their top priority.

Mayor Price commented that, again he wanted to bring to the table, that while this could remedy the problem they still were not taking any creative ways or any business like ways to bring experts in to remedy this situation and give advice that this city could put in place that in the long run could alleviate this problem.

Council Member Nooe asked if they had an ordinance for storm water.

Mr. Corcoran replied that as far as this situation there really was none. This was a new policy that they were discussing. Mr. Medlin did note that prior to the contractor going in he wanted to see a temporary construction easement recorded from the property owner and he has prepared that and the property owner has stated that they were willing to sign it, but, as they had said at the committee meeting, this was a policy decision.

Council Member Vestal commented that he thought that what Council Member Nooe was asking for was what the current policy was now for storm runoff created by industries.

Mrs. Stultz explained that at this point the only ordinance that they had that addressed that was their Watershed Ordinance and this particular area was not in a watershed.

Mr. Corcoran added that those who were familiar with this area, the big problem was, if they could imagine a 4' or 5' strip that was clean, open and deep and had the ability for water to flow through it. He explained that what had happened over the years, this as well as other areas had grown up to where that 4' strip at some places had closed down to a foot. There were trees, grass, debris and so it was not that there was a lot of additional water going through there, as much as it was there was no place for it to flow through because of the overgrowth that had occurred over the years.

Council Member Turner asked if they had a way to enforce that that overgrowth be taken down.

Mr. Corcoran replied that he thought that was what the City Attorney had said in his email, they basically have two choices. The city could handle this or they could put it on the property



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owners. But again, as a property owner, (just) as Council Member Tuggle had said, the property owner would say, "look I didn't create that water coming onto my property, why should I be the one responsible for cleaning it up?"

He stated that they could go either way, force the property owner to clean and open it up or the city had to do it, but somehow it needed to be cleaned and opened up, or eventually it was just going to continue to become overgrowth to eventually they would not have any drainage areas. He noted that if they went out now to Front and Hundley and looked at the three huge drainage pipes that go underneath that road, two were blocked. So, they have three pipes there but it really did no good except for heavy rains where the pressure of the water forced water toward pipes 2 and 3.

Council Member Epps stated that (in their committee meeting) they had 2 bids of over \$50,000 to do that job and they have an \$18,000 amount in the budget, so they asked the City Manager to take it back to the engineer to see if he could do \$18,000 or under to at least get the water flowing.

Mr. Corcoran explained that the contract that was proposed now was a contract not to exceed \$18,000. As he stated during the committee meeting, if part of the reason that they were doing this was to alleviate I&I problems then in his opinion 50% of the cost should come from the Water & Sewer Fund. The other thing that they discussed was rather than going out and dredging the entire length of the ditch they could go out and target those areas of specific overgrowth and try to open it up and see how that alleviates the problem and wait for a heavy rain and then go back and do more if they need to, but not just go out and do the entire stretch, just to do it, so their approach was going to be if the Council wanted to proceed, go out and pick what seemed to be the most problematic areas and then proceed from that point.

Mayor Price noted Dogwood and Taft and asked what they were going to do when they get a request for that.

Mr. Corcoran replied that he thought Mr. Medlin hit it right on the head and that was what he had also said at the committee meeting. If they venture down that road they need to discuss the merits of each one, one at a time, and take them on a case by case basis. He did not think they could just adopt a blanket policy. He thought they needed to discuss the merits of each one. There was an I&I problem and it was true that they could raise the manholes; they had looked at that and provided that cost. They could look at watertight manholes but there was concern that (with) the condition of the pipe out in that area they might have collapsed line or holes in the line and with the increased saturation of water standing for prolonged periods of time they have additional I&I going through the pipes that way, but that was ultimately up to the Council to decide. He stated that he agreed with the City Attorney, if they want to pull this out to the side and say there was some extenuating circumstances as to why they were proceeding with this they could, but his recommendation was that the Council not adopt a blanket policy and that they consider these on a case by case basis on the merits of the drainage situation in front of them at that time.

Council Member Vestal agreed. He did not think they needed a list. If they have a problem (then) they need to address the problem. This problem had been there, he was down there and it had not rained in 2 or 3 days (with) just ground water left over from recent rains and (he) pulled the manhole cover off and the pipe was half full of water so there was a lot of I&I in that area. He thought they needed to go ahead and address the problem. He asked the Mayor to call for the question.

Mayor Price stated that the motion on the floor was to approve the Public Works Committee's decision to clean the branch behind Front Street as presented to them at their last meeting.

Council Member Tuggle asked that if they vote on this, was this saying they would pick out the particular areas that were giving them problems.

Council Member Epps replied (it would be) this one area and Mayor Price agreed.

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Council Member Turner asked if there was a limit on the cost of this to which Mr. Corcoran replied that the contract right now was not to exceed \$18,000, and again, where that number came from, that was the amount that Council had appropriated for drainage in the budget.

Mr. Medlin explained to the Mayor that with all due respect they had a call for the question (and) that was a call to end the debate and discussion. He explained that if they wanted to continue to discuss it they could, just nobody would second the call and then they could continue discussion. Otherwise, they need a second and they need to vote on whether to call the question or not. If they limit the debate, then they would take up the primary motion.

Council Member Epps seconded the motion to call an end to the debate.

Mr. Medlin added that it had to pass by a two-thirds vote.

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

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

Mayor Price asked if they were going back to the drainage priorities and if they needed to bring some experts in to take a look at this area.

Council Member Gover pointed out that he thought they have consulted this city to death; they have competent staff, the City Manager and his staff.

Council Member Nooe commented that they may open up the ditch but then the pipe that goes under the road or whatever (might) not be able to handle the flow, so they should at least see what amount of flow was going through there and what it was going to do.

Council Member Epps asked what if they dig under there and find that pipe broken.

Mayor Price replied that the pipe was off to the side and was probably 15'.

Council Member Gover commented that he would certainly like for them to look at Pierce Street to which Mayor Price replied that he had previously mentioned that a request had gone to the State for that.

(b) Consideration of authorization to proceed with the development of a Ready-Go-Site & Virtual Shell Building Program on the 12 +/- acre site in the Eden Industrial Center.

The memorandum to Council explained that on March 8, 2004, the City Manager made a power point presentation to the City Council during the annual budget/planning retreat entitled: "City of Eden: A Vision into The Future". During that presentation he addressed the 12.172 acre site in the Eden Industrial Center and recommended the following:

- A. Complete a preliminary subsurface exploration and geotechnical engineering analysis to verify suitability of the site for development.
- B. If geotechnical engineering analysis is acceptable; proceed with developing the site as a ready-go-site.
- C. Implementation of a virtual shell building program.

On June 3, 2004 Atlantic Coast Engineering And Testing, Inc. completed their preliminary subsurface evaluation of this property. Their work included a total of twelve (12) separate soil borings. Once this report was received the City Manager contacted Osborne Company and asked them to give a new cost proposal taking into consideration the findings as outlined in the report. On July 2, 2004 the Manager received a letter from Mr. Brian Freeman, Vice President, Pre-Construction Services, Osborne Company, with new cost data. The projected cost for preparing the site as a ready-go-site is \$319,717 which represents an increase of \$24,921 from the original estimate that was obtained in March. On July 12, 2004 the Manager met with members of the Planning & Economic Development Committee. He told the Committee that the staff feels this was a good short-term strategy and that they would recommend the development of this site as a ready-go-site. It was also recommended that they proceed with the implementation of a virtual shell building program. Once this work has been completed they could always proceed with developing a 64,000 square foot shell building at some point in the future if they determined the virtual shell building program was not yielding the desired results. The Committee stated that they would like to examine all of

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the information concerning the Eden Industrial Center Site prior to making a recommendation for Council's consideration in August or September. On July 16, 2004, the Manager included a detailed write-up about this matter in his Weekly Report to the Mayor and City Council.

On September 8, 2004 the Planning & Economic Development Committee met for their regularly scheduled meeting. This matter was discussed and it was the unanimous consensus of the Committee that the matter be placed on the agenda for formal authorization to proceed. The Committee was in full support with proceeding with both the development of this site as a ready-go-site as well as the implementation of a virtual shell building program on this site.

It was noted that it was the staff's intention to request a 50% level of participation in this project from Rockingham County. Furthermore, it was noted that the funds that would be necessary to fund this project will come from the existing Fund Balance within the General Fund. A budget amendment would be prepared and submitted to Council for approval at the appropriate time once they are in need of transferring funds.

Mayor Price asked if there were any questions or comments.

Council Member Epps stated that he felt that they needed to do something because they were running out of buildings that people would want to use. This would be the time to go ahead while they could to get one in place.

Council Member Vestal agreed and added that they did not need to be stagnated in their development of industry. He then emphasized the point that they should ask for their 50% funding from the County Economic Development.

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

- (c) Consideration to proceed with the development of a site selection scope of work for the purpose of identifying sites for industrial development.

The memorandum to Council explained that the City Manager, in his Weekly Reports dated June 25, 2004 and July 2, 2004, (*note these reports are located in the City Manager's Office*) informed the City Council and updated them with meetings that had been held in conjunction with Ms. Lisa Perry, Partnership President concerning the need for a detailed site selection study. On July 12, 2004 the Manager had the opportunity to meet with Mr. Doug Canavello, P.G., President and Mr. Michael Jones, P.G. Operations Manager both of Pyramid Environmental & Engineering, P.C. from Greensboro, NC, Ms. Lisa Perry, Partnership President, and Mr. Mike Dougherty, Director of Business Development. They discussed the various aspects that needed to be included in a detailed site assessment and Ms. Perry asked Mr. Canavello to prepare a scope of services proposal and cost data that could be considered by the Partnership's Executive Committee and ultimately Rockingham County and the City of Eden.

It has been noted that the cost for this work is likely to be in the magnitude of \$12,000. Once the Scope of Work has been completed a Request For Proposals will be drafted for the actual Site Selection Study. It was the staff's intention to request a 50% level of participation from Rockingham County.

The members of the Planning and Economic Committee discussed this matter during their meeting on September 8, 2004. It was the unanimous consensus of the Committee that the matter be placed on the agenda for formal authorization to proceed. The Committee was in full support with proceeding with the development of a Site Selection Scope of Work as well as ultimately issuing a Request For Proposals for the actual Site Selection Study.

One of the key stipulations recommended by the Committee was that the work be done under the direct supervision of the City Manager and that he make sure that safeguards were put into place to ensure that the development of the scope of work and actual site selection study were "free" of outside influence and that the recommendations and conclusions that were ultimately submitted were based strictly on the findings and facts of the study and experts and not – due in part to individual preferences and influences.

Mayor Price asked if there were any discussion or questions.

Council Member Epps stated that he thought that they had looked it over to try to find solutions and had not been able to find one. With this independent study and going forward with it, whatever they come up with, whether it was where he liked it or they (Council) liked it, or somebody else, that was where it would be.

Council Member Gover questioned the money.

Mr. Corcoran replied that he thought there was some money in the budget under economic development, but of course they were going to try and get half of it from Rockingham County.

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Council Member Gover questioned why they could not take it out of the \$39,000 they were paying the County to which Mayor Price explained that the city had obligated that money.

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

- (d) Consideration of water and sewer reimbursement applications for development project in and around Arbor Lane and East Harris Place.

The memorandum to Council explained that applications have been submitted for the Arbor Lane Apartment Complex and Harris Place projects by Peter F. Osborne of Osborne Company. The figures used in the application reflect the 2002 tax values per the Rockingham County Tax Department. However, the project was not started until the next year. The Planning Department has reviewed these applications and decided to change the figures to that of the 2003 tax year. Using these new figures, the Planning Department approved this request. The Harris Place project would pay \$46,710.40 per year for the next five (5) years starting in 2007. Arbor Lane Apartments would pay \$17,914.60 per year for the next five (5) years starting in 2006.

Mrs. Stultz explained that in reference to the memorandum one of the things they knew was that those applications have to be in before any work was done and with all the hullabaloo with State and Federal and those things, those were required to be in last Fall. One thing that she did, as far as safeguarding the city, was to wait until they actually issued permits on Walmart and they knew the thing was going to be constructed, get that closed before they submitted them to Council. One thing they discovered, that in the efforts of the developer to provide the data that was in an application that the city and Council adopted a number of years ago that they use tax year January 1, 2002 rather than January 1, 2003 which would have been the most appropriate. She explained that you go from there and you establish what the tax revenue that the city was receiving before any development was in place and then go and try to figure out what the amount was the city would receive once all those developments are there. The kind of data that they used for that, because that was the case this year, neither of these developments was in place in January 1, 2004, so the Tax Department did not have that value ready for them.

She explained that what they did, their permitting program established values based on what it cost to build, to construct in their community at this time and it updates itself every three months. So they adjusted what the cost per square foot to construct was fairly often. They took and looked at the permits that they issued for both of these facilities themselves and what value their own system established for it. Then they had conversations with the Rockingham Tax Department as to how they use the data that they get from the city. They concurred that the estimates that the city's staff made were as accurate as they could be at this point.

She noted that what they look at in Mr. Osborne's applications was that his numbers were low on what they were receiving on the base year, but they were also low on what they would get once the construction was complete and the properties were developed to the potential that this was asking for. At any time that the City Council approves one of these applications, the reason there was a delay before payment was, they have their base year, before they did anything, and then they have to have a tax year where on that January 1<sup>st</sup> was 100% complete and they establish what the real value was going to be and the revenue that they would receive based on that.

As an example, Mrs. Stultz asked them to assume that January 1<sup>st</sup>, Arbor Glenn comes in exactly like they expect, and Council has approved it. Once she determined that they have actually paid their taxes, the money was in the city's hands and then they would do the first reimbursements. That being said that was why there would not be any reimbursements for the apartments which was the residential part of this application until 2006 and the Walmart until 2007, simply because they knew that January 1 of 2005 they would not have 100% of the value.

She asked that at any time the project ceases to qualify, or if it did not qualify as of the day it was supposed to, they obviously did not make any payments.

She noted that she did have a question earlier about a particular facet of one of these applications and before they made any disbursements they would verify that number and she would share it with the Council. She explained that this was a step that the City Council made a number of years ago to try to encourage good quality development in the community.

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Mayor Price asked if the values she was using now were a culmination of input from the county and then the input from their value on a day to day building permit basis. So it was really not hard and fast to the point because they change a little bit every day.

Mrs. Stultz replied that the building permit value that they used and what they expect them to use was the value as of the day that they issued the permit, right now. It was always possible that by the time they get to dispersement stage those things could go up. But this was what they know, if it was finished today, they were estimating its worth. Now, before they make any payments they verify that data and they verify it every year. Situations change and it was always possible that something would qualify this year and not the next.

Mayor Price asked if the value they would see in here was input from her office...

Mrs. Stultz replied, and the Tax Department.

Council Member Nooe asked if that excluded the cost of construction which was provided by the developer to which Mrs. Stultz replied in the affirmative. Council Member Nooe asked what the city's policy was and if they updated those to actual construction cost once those numbers were done.

Mrs. Stultz replied yes, and explained that if there was something that would indicate a big difference for them she would certainly let them know before they get too far.

Mayor Price stated that he thought that as they make these payments and come back to the Council to request payment they document this again at that time.

Mrs. Stultz replied that to date, once the Council has approved it and authorized it, they have not brought them back to the Council every time before a check was written.

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

- (e) Consideration of a lease agreement for a cell tower on the industrial park property outside Harrington Highway and adoption of accompanying resolution.

Mayor Price explained that this had also been presented to the County and their approval depended upon the approval by the City of Eden.

Mr. Medlin explained that he had presented the Council with a copy of the lease that the Whitt Family Farm Partnership wished to enter into. He also gave them a copy of the map that showed the location. He noted that this was on a back section of the tract that there was an option on and it was most likely not an area that would be reached any time in the near future, assuming that the Council decided to pursue that as an industrial park.

He explained that also, the access road that runs to that property was not limited to just their use. They have the right to use it but so would anybody else, so if they exercised the option they still have the right to use that road if they wanted to, as long as they did not interfere with its use.

He explained that this originally came to him through a drafted document from Mr. (Joe) Maddrey (Attorney) asking that the property be released from the option and he did not think that was what they wanted to do. He stated that they want to keep the option on this property; they just want to subordinate it. He explained that if they were going to do it to this lease, and what that meant was, that if they exercise the option, they get the lease, so they were going to get the revenue off of that lease, for whatever remaining terms. They could not terminate it without their agreement unless they breach it and they would step into the shoes of the property holder. He thought it was a total of 30 years, maximum, that it could go without there having to be a new agreement.

Council Member Tuggle commented that he had said earlier, of course there was a \$50,000 option on this, but of course they were getting ready to do an industrial site study and if this site turns out to be number one and they go full circle and decide that they want this site, then would he say that this cell tower would not interfere with an industrial complex.

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Mr. Medlin replied that the tower would be there and they take the property with that tower there, but as he recalled, the way that this property was set up, there were different phases to the property. He explained that they have to exercise Phase I before they could get back and exercise these because basically they have to work their way back to it, because this was on the back side of the property, so they were talking a number of years before they would ever get back into this property to even want to be using it. But, there was no plan now, as to how they would use it, so whether or not it would interfere, while they were building it, they might just incorporate the fact that it was there and develop around it.

Council Member Tuggle pointed out that it could be a potential industrial area to which Mr. Medlin agreed.

Council Member Nooe questioned that if the land had a value that they paid \$50,000 to have an option to purchase, was there some value that the city would receive if it allowed the tower.

Mr. Medlin replied no, he paid to have the right to purchase at a fixed price on fixed terms, they either agree to allow it to go or not. If they agree to allow it to go then if they exercise the option they get it or they take it subject to.

Council Member Gover asked if this tower or this transmitting could interfere with their communications or (would there be) any interference.

Mayor Price pointed out that there was a tower on the 87 side of the road, not far from this site.

Council Member Gover stated that they were allowing different signals. He stated that they were having communication problems with their own emergency people. He asked if they would be allowed to put an antenna on that tower.

Mr. Medlin referred the question to Mrs. Stultz.

Mrs. Stultz explained that it was in the County's planning jurisdiction. They have a fairly elaborate approval process for cellular towers. It was similar to the one that Eden has, but a little more expensive. One of the things they have to prove was the impact that it was going to have. Since it was not in the city's jurisdiction if the Council approved it they would have to rely on the County to follow their own ordinance and they might want staff to monitor it.

Mr. Medlin added that again this was not their decision, the committee held the option, but they partially fund the committee, so they want to know the city's position or the County's position and then if either of say no, then obviously they would not go forward with it.

Council Member Epps noted that in Yanceyville, they put their tower up on a water tower.

Mr. Medlin explained that this program went on inside the city as well.

Mrs. Stultz explained that the County has some co-locate provisions in their code. It was easier in more urbanized areas because there were church steeples, tall buildings and water tanks.

Mr. Medlin added that this area was close to the Duke Power transmission easement and he thought it sat right next to it. They have the Duke Power easement running right through there that they could not disturb anyway, and this was sitting within 50' to 100' of that.

Council Member Tuggle asked who was responsible for taking these things down once they were antiquated.

Mrs. Stultz replied that the city's ordinance provides that when one goes up there has to be a bond posted. So when technology becomes obsolete the city would have the power to go in and take it down. She added that she could not swear that the County has the power to do that but most jurisdictions do now.

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

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RESOLUTION TO SUPPORT  
THE SUBORDINATION OF THE OPTION TO PURCHASE REAL ESTATE  
TO A COMMUNICATIONS SITE LEASE AGREEMENT

WHEREAS, the Citizens Economic Development, Inc., entered into an Option To Purchase Real Estate with the Whitt Family Farms Limited Partnership on the 18<sup>th</sup> day of March, 2002; and

WHEREAS, the funding of the Option is a joint venture between the City of Eden, North Carolina, and Rockingham County, North Carolina pursuant to an agreement with the Citizens Economic Development, Inc.; and

WHEREAS, the Whitt Family Farms Limited Partnership has requested that the Citizens Economic Development, Inc., subordinate its Option to a Communications Site Lease Agreement with Nextel South Corp.; and

WHEREAS, the terms of the Lease Agreement include an area 100 ft. by 100 ft. together with a 20 ft. access and utility easement from Riverside Circle for an initial term of five years with the right to extend the lease for five additional five year terms (a possible total of thirty years) with a monthly rental of \$800,000, a copy of the proposed Lease having been provided to the City Council; and

WHEREAS, the Citizens Economic Development, Inc., has asked the City of Eden to state their position on the subordination.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EDEN, NORTH CAROLINA, that the City of Eden does support the subordination of the Option To Purchase Real Estate to the Communications Site Lease Agreement with Nextel South Corp., under the terms heretofore provided. Any modification of the proposed Lease Agreement would require additional review and consent.

ADOPTED this 21<sup>st</sup> day of September 2004.

CITY OF EDEN

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

ATTEST:

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

(f) Consideration of Appointment to Eden ABC Board:

Mayor Price explained that there was an opening on the Eden ABC Board.

A motion was made by Council Member Gover seconded by Council Member Tuggle to appoint Mr. John Grogan to be a member of the ABC Board. All Council Members voted in favor of this motion. This motion carried.

CONSENT AGENDA:

(a) Approval and adoption of minutes – August 17, 2004.

(b) Approval and adoption of a Municipal Agreement with NCDOT for Project No. WBS:36536 SR 1962 (Pierce Street).

The memorandum to Council explained that this was a Municipal Agreement prepared by the North Carolina Department of Transportation related to the street improvements project along S. Pierce Street (SR 1962) that would include the construction of curb and gutter, sidewalk and storm drainage structures along the east side of the road.

The Engineering Department recommended that the City Council approve the agreement and resolution as prepared by the NCDOT.

Copy of Resolution Passed by the City Council  
Of the City of Eden, North Carolina

A motion was made by Epps and seconded by Tuggle for the adoption of the following Resolution, and upon being put to a vote was duly adopted:

WHEREAS, the North Carolina Department of Transportation has prepared and adopted plans to make certain street and highway improvements within this Municipality under WBS 36536, Rockingham County, said plans consist of

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widening SR 1962 (Pierce Street) to a three lane section from Library Entrance #1 to 231 feet south of SR 1747 (Stadium Drive) in Eden to include the construction of curb and gutter and sidewalk along the east side of SR 1962.

WHEREAS, the Municipality shall participate in the actual cost of the project in a lump sum amount of \$50,000 and at no expense to the Department, shall assume all liability and maintenance responsibilities for said sidewalk facility upon completion of the project; and

WHEREAS, the Department agrees to be responsible for the environmental and/or planning document and obtain any environmental permits needed to construct the project, prepare the project plans, acquire any additional right of way, administer and/or award the construction contract, construct the project in accordance with the approved project plans.

NOW THEREFORE, BE IT RESOLVED that WBS 36536 Rockingham County, is hereby formally approved by the City Council of the City of Eden and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

I, Kim J. Scott, Clerk of the City of Eden, do hereby certify that the foregoing is a true and correct copy of excerpts from the Minutes of the meeting of the City Council duly held on the 21<sup>st</sup> day of September, 2004.

WITNESS, my hand and the official seal of said Municipality on this the 21<sup>st</sup> day of September, 2004.

(c) Approval and adoption of North Carolina Municipal Report of Fire Conditions.

This was the North Carolina Municipal Report of Fire Conditions. Firemen's Relief Fund trustees appointed by Fire Department: Paul Dishmon and Kim Powell; Firemen's Relief Fund trustees appointed by Town/City Commissioners: William Setliff and Steve Sherwood; Firemen's Relief Fund Trustees appointed by the Insurance Commissioner: J. D. Murphy

(d) Approval and adoption of Tournament Fees & Recreation Forms/Freedom Park Complex.

The memorandum to Council explained that information was compiled from various cities within North Carolina to derive a system that would make Eden comparable and competitive for the rental of this complex. The "Fee Schedule" will make them competitive with the more established cities within the immediate area. The "Advanced Booking Schedule" would allow tournament directors and organizers the opportunity to book their tournaments early and allow each to publish on their web sites and mailings.

(e) Approval and adoption of Sewer System Special Order by Consent.

The memorandum to Council explained that on May 18, 2004 the City Council resolved to pursue and negotiate a Special Order by Consent that would be satisfactory to the North Carolina Environmental Management Commission and the City of Eden. The purpose of the Special Order is to establish a schedule of compliance for the repair, replacement, and upgrade of sewer mains and pump stations as necessary to eliminate sewer system overflows in the Meadow Greens, Covenant Branch, and Dan River Pump Stations sewer subsystems.

(f) Approval and adoption of a Resolution Supporting the Designation of Future Interstate Status to US 220 and US 29.

RESOLUTION SUPPORTING THE DESIGNATION  
OF FUTURE INTERSTATE STATUS  
TO US 220 and US 29

WHEREAS, US 220 and US 29 in Rockingham County are currently identified as future instate corridors for I-73/74 and I-785 respectively, and;

WHEREAS, US 29 and segments of US 220 in Rockingham County should currently meet Federal Highway Administration (FHWA) controlled access design requirements, and;

WHEREAS, US 220 in Randolph County, North Carolina is designated as a future interstate with the placement of interstate sign shields, and;

WHEREAS, Rockingham County is designated both as an economically distressed Tier 2 County by the State of North Carolina Department of Commerce, and as an Economically distressed County by the United States Economic Development Administration, and;

WHEREAS, a February 2004 Piedmont Triad Rural Planning Organization report – *Interstate 73/74 Economic Atlas of North Carolina* – documents the positive economic impacts that interstates create through regions and counties in which they traverse, and;

WHEREAS, Rockingham County is a member of the Piedmont Triad rural Planning Organization (PTRPO) duly authorized under NCGS 136-211.

NOW, THEREFORE, BE IT RESOLVED THAT THE EDEN CITY COUNCIL endorse and recommend the North



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Carolina Board of Transportation, in conjunction with other appropriate state and federal agencies, designate and post future interstate status for US 220 and US 29 in Rockingham County, North Carolina in order to promote much needed job growth and economic development opportunities as well as wise land use choices for the present and future citizens of Rockingham County.

This the 21<sup>st</sup> day of September, 2004

s/Philip K. Price  
Mayor

ATTEST:

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

(g) Approval to place festival banners publicizing Eden festivals.

The memorandum to Council explained that the request was for a number of banners publicizing area festivals to be approved by the City Council. These banners would be placed on the corner of Van Buren and Fagg Drive, in front of BB&T Bank.

Council Member Vestal asked that they pull Consent Agenda Item 9(d) for further discussion. He asked the Recreation Director, Mr. Joey Conner, if he had a tournament and he rented Field A, and someone else rented Field B, was he going to allow that or was he going to rent another field for that weekend.

Mr. Conner replied that he would.

Council Member Vestal asked how he would he get receipts for his tournament and they get receipts for their tournament.

Mr. Conner replied that basically that would be their problem. All that the city would do would be maintaining concession stands. Entry fees such as that would be their problem.

Council Member Vestal asked if he was not going to allow them to charge to get in the gate at the park.

Mr. Conner replied that they would be charging to get into the ball fields.

Council Member Vestal stated that he had no problem with that, he could stand out there in the outfields and watch the ballgame for nothing. He asked that he was not going to charge to get into his city park to which Mr. Conner replied no.

Mr. Conner explained that what they would probably end up doing, when it progresses, going into Phase III, there may be a cutoff there where you go to the shelter or you come to the parking lot where the ball fields were, of course, if you were going to come through the area where the concession stand was, you would be charged. If you want to sit out there and watch it from the road, then so be it.

A motion was made by Council Member Epps seconded by Council Member Tuggle to approve Consent Agenda items a-g. All Council Members voted in favor of this motion. This motion carried.

Mayor & Council Comments:

Council Member Vestal commented that he knew that they all had heard that Reidsville was pulling out of the Partnership Group. He stated that Eden had committed funds to it this year. He pointed out that they needed to keep an eye on this, if Reidsville wanted the same rights that Eden had, without putting any money in it. He explained that this was just another continuing episode. He did not know what the problem was over there but they had the waste management problem and now this. He thought they needed to keep an eye on this very carefully and see that Reidsville was not going have any voting rights if they did not put money in this group. He explained that they (Eden) were funding this group, (along with) Stoneville, Madison and the rest of them, so he felt that they needed to commit. He added that he had problem committing \$38,000 to this group, he thought they needed to pursue it, but he did not think Reidsville

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deserved the rights if they were not going to help fund it. He did not think they had the right to have voting powers.

Council Member Epps agreed.

Mayor Price stated that he wanted to say of the City Council that he admired their efforts and their feeling of staying with this group and standing behind them. Rockingham County and the City of Eden did not have the luxury of waiting. They had to go out and do everything they had to do and need to do to create economic opportunity for their citizens and he wanted to say thanks for what they were doing and staying with this group and following through with their commitment to them. He asked if there were any other comments.

Council Member Vestal replied that he had one more. They had two items on the agenda tonight that came out of committees. It just so happened that both were on economic development, that basically went through the committee's recommendation. That was what the committee was established for. He pointed out that they had a 45 minute debate on another issue that came out of a committee. He stated that he trusted these committees to do the ground work so that they did not have to spend this much time on debating these issues. If they have a problem with anything that needs to come before full Council, he would discuss it with anybody right there on full Council, but if they were going to continue the committee process he thought they needed to have credence to the committee and go with their approval on this.

Council Member Gover agreed.

Mayor Price replied that he thought they were all elected by the citizens throughout this community and he thought that all of them, on the very important items, need to have input. He asked for that item to be on there because in his judgment, it was very important, not only for the citizens involved but they were very important for the long range view of this city and what they were going to be asked to do and this was probably, in his judgment, one of the most important things that they would talk about in a long time. He stated that he understood where he was coming from, but as far as he felt about this, being an ex officio member of these committees, if it looked important, they need to have some discussion on it.

Council Member Vestal stated that he did not have any problem having discussion, but he thought the Water & Sewer Committee has spent hours meeting with Mr. Asbury and his crew and the City Manager and it was so far above what they need to discuss here, the problems that they were having, getting down into the finite details, he did not think they needed to spend that much time there on the full board. He thought they needed to put full confidence in their committees that they were going to come back with a recommendation of what they need to do.

Council Member Turner commented that also on the weekly report, it was one person's interpretation of taking the minutes from that committee and the committee did set a great basis. She explained that she thought the committees were doing a great job and she was glad they were having them, but again she thought the interpretation of what was read, versus a discussion of 7 or 8 people, sometimes they needed to be able to read between the lines. They did not see that when it was written in the report, so much as when everybody was discussing it and questions come up that maybe the committee members did not think of. She thought the committee members were doing a great job and she knew some of those meetings were very lengthy, but she needed to have it discussed a lot.

There were no other comments made by Council.

VOUCHERS:

No discussion.

CLOSED SESSION:

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

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

Amendment to Closed Session per City Attorney, Tom Medlin:

*(These minutes were amended at the regular meeting of the Eden City Council on October 19<sup>th</sup> to include Attorney/Client privilege according to GS 143-318.11(a)(3) as the City Attorney advised the Council as to the status of the annexation appeal. This request and action is noted in the October 19<sup>th</sup>, 2004 minutes of the Eden City Council).*

OPEN SESSION:

A motion was made by Council Member Myott 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 Gover seconded by Council Member Nooe 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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Philip K. Price  
Mayor