

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, April 19, 2005 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:	Brian Ewing, <u>Eden Daily News</u> , Mike Moore, WCBX Radio

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:

Council Member Jerry Epps gave the invocation.

PROCLAMATION:

Mayor Price read the following proclamation in recognition of Litter Sweep.

SPRING LITTER SWEEP 2005 PROCLAMATION

Whereas: the North Carolina Department of Transportation organizes an annual Spring statewide roadside cleanup to ensure clean and beautiful roads in North Carolina; and

Whereas: the Spring 2005 'LITTER SWEEP' roadside cleanup will take place April 16-30, 2005 and encourage local governments and communities, civic and professional groups, businesses, churches, schools, families and individual citizens to participate in the Department of Transportation cleanup by sponsoring and organizing local roadside cleanups; and

Whereas: Adopt-A-Highway volunteers, Department of Transportation employees, Department of Correction inmates and community service workers, local government agencies, community leaders, civic and community

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organizations, businesses, churches, schools, and environmentally concerned citizens conduct annual local cleanups during "LITTER SWEEP" and may receive certificates of appreciation for their participation; and

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

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

Whereas: the 2005 Spring cleanup will celebrate the 17th Anniversary of the North Carolina Adopt-A-Highway program and its 6,000 volunteer groups that donate their labor and time year round to keep our roadsides clean; and

Whereas: the 'LITTER SWEEP' cleanup will be a part of educating the children of this great state regarding the importance of a clean environment to the quality of life in North Carolina;

NOW, THEREFORE, I, Philip K. Price, Mayor of the City of Eden, NC, do hereby proclaim April 16-30, 2005 as 'SPRING LITTER SWEEP' time in the City of Eden and encourage citizens in Eden to take an active role in making their community cleaner.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Eden this 19th day of April in the year of our Lord two thousand and five.

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

ADDITIONS OR DELETIONS TO MINUTES:

Mayor Price noted that both Public Hearings were to be removed. (a) Consideration of zoning map amendment request and ordinance to rezone property on Stadium Drive from Residential-12/PUDR. Request submitted by Carolina Community Developers, LLC. ZONING CASE Z-05-02 was removed from the agenda. (b) Consideration of a zoning map amendment request and ordinance to rezone property on Kendall Street and Franklin Drive from Residential-12 and Residential-20 to Residential-20/PUDR. Request submitted by W. L. Pryor / Lakeside Community, LLC. ZONING CASE Z-05-03 was continued.

He also noted that Item 7(b) Request City Council remove from the table the nuisance case regarding 611 Prospect Street needed to be removed from the agenda at the City Attorney's request.

A motion was made by Council Member Epps seconded by Council Member Gover to remove Item 7(b) from the agenda per attorney. All Council Members voted in favor of this motion. This motion carried.

PUBLIC HEARINGS:

(a) Consideration of zoning map amendment request and ordinance to rezone property on Stadium Drive from Residential-12/PUDR. Request submitted by Carolina Community Developers, LLC. ZONING CASE Z-05-02.

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At the regular meeting on March 15, 2005, the Council scheduled this public hearing to hear comments regarding a zoning map amendment request filed by Carolina Community Developers, LLC. The request was to rezone property on Stadium Drive from Residential-12 and Residential-12/PUDR. The Planning & Inspections Department recommended approval of the map amendment request. At their February regular meeting, the Planning Board voted to recommend that the City Council approve this request.

This item was removed from the agenda.

(b) Consideration of a zoning map amendment request and ordinance to rezone property on Kendall Street and Franklin Drive from Residential-12 and Residential-20 to Residential-20/PUDR. Request submitted by W. L. Pryor/Lakeside Community, LLC. ZONING CASE Z-05-03.

At the regular meeting on March 15, 2005, the Council scheduled this public hearing to hear comments regarding a zoning map amendment request filed by W.L. Pryor/Lakeside Community, LLC. The request was to rezone property on Kendall Street and Franklin Drive from Residential-12 and Residential-20 to Residential-20/PUDR. The Planning & Inspections Department recommended approval of the map amendment request. At their February regular meeting, the Planning Board voted to recommend that the City Council approve this request.

This item was continued.

MONTHLY FINANCIAL REPORT:

A motion was made by Council Member Myott seconded by Council Member Turner to accept the financial statement. All Council Members voted in favor of this motion. The motion carried.

REQUESTS AND PETITIONS OF CITIZENS:

Ms. Diane Combs, 1106 Trogon Drive, addressed Council:

Ms. Diane Combs came forward to address the Council about a problem in their neighborhood. She explained that they have a pack of wild dogs in the neighborhood that were actually born on city property at the city garage. She noted they were born sometime between Thanksgiving and Christmas. There was a mother with 5 to 6 pups. When they were little, they were not a problem, but these dogs have gotten big. She explained that they had contacted the dog catcher and they were first told that people were trying to adopt them. Then they were told that they would try to catch them. To give the dog catcher credit, he did come out and set traps and caught the mother and two pups.

She stressed that these dogs were wild and they have chased her and barked at her. She walked in that area and she had a small dog. She has had to pick her dog up and run from these dogs. She also has another neighbor with two small children and she has been absolutely terrified because the dogs come under the fence and after her.

Her question was what kind of help they could get. They started calling in February and the dog catcher promised them he would take care of the problem in two weeks. They were still

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there and it had caused her not to walk or go out into her yard. She asked if the city could help them with this.

The City Manager, Brad Corcoran, replied that he would get with the Chief of Police and get the dog warden back out there. He assured her that they would stay on it until they get the other dogs.

Ms. Combs asked if he had authority to do anything other than just set a trap. Obviously that was not working. Those dogs saw the other dogs trapped and whether they were intelligent enough to put that together, it did not seem that they were going into the cage.

Mr. Corcoran referred the question to the Police Chief, Gary Benthin.

Chief Benthin replied that they have a dart gun that they have used several times, but by the time the tranquilizer takes affect the dogs disappear and they could not find them. He noted that they were doing everything they could; it was not as if they were not trying. He added that he had been out there himself and he had not seen them in a while.

Mr. Corcoran promised that he would get with the Police Chief and they would take care of the other three.

Council Member Vestal asked what time of day she saw the dogs.

Ms. Combs explained that she had a routine and she had to take her dog out before she went to work and if a vehicle was coming through, they run and hide. She walks every morning and between 7:00 and 7:15, six out of seven days they were up there. She now goes to a certain point, then stopped and turned around. She did not dare walk past them, because that was when they come out. They were guarding their territory.

Ms. Marilyn Griffore, 1107 Trogon Drive, addressed Council:

Ms. Griffore added that she was a neighbor and they were now afraid that the dogs have come in heat and there could be another litter. She stated that she believed that they needed to drive the trucks onto the city's property. The dogs were on the other side of the fence. They did not come under the fence until they saw them walking. She also took care of a three and a four year old who have not been able to go out and ride their bikes since February 15th, when she made the first phone call. She called the dog catcher and animal control came out. He had permission to set a trap because one of the neighbors wanted to keep a dog. That became a misunderstanding. Gary Benthin called her and explained that it was a mistake. He also told her to have a good day and hung up because she was being unreasonable. She stated that she could not let the children out to play and she also had a seven pound and an eight pound dog. If those dogs ever got a hold of them, they were gone. She stated that the city had not been doing anything to help them.

Mr. Ray Hicks, 1104 Field Street, addressed Council:

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Mr. Hicks explained that he had a lot on Trogdon and he was there just to verify their story. It was true.

Council Member Turner noted that they had mentioned it to her and she walked her dogs in that same neighborhood. She did turn it in and the City Manager informed her that the animal control officer was trying to catch the dogs but he was having a terrible time. She was aware of what was going on but she just assumed they were still trying to catch them.

Mayor Price promised that the City Manager would be personally involved in this.

Mr. Hicks stated that another thing was his concern about the landscaping between the city shop and Trogdon Drive. It looked as if it was half-way done. He thought that the city had an ordinance to have a barrier between any garage or dump. They came out and did a little bit and he did have pictures if they would like to see it. He added that he would also like for Mrs. Stultz, the Director of Planning and Inspections to look at it as well.

Mayor Price noted that the City Manager would take a look at that to hopefully get it resolved. He noted that the animal issue was very important to them.

UNFINISHED BUSINESS:

(a) Discussion of 401/403 Morgan Road.

The memorandum explained that at the January regular meeting, the decision was made to give Mr. Porter an additional 90 days to complete his rehabilitation project. At this time, work appears to be well underway. It was recommended that the progress continue to be monitored.

Council Member Vestal stated that he had a problem. In October they gave Mr. Porter 90 days. Regretfully he was not at the January meeting, but he was given 90 more days. He thought it was time they moved on with this as they had given them enough time on this situation.

Mrs. Stultz explained that if the Council would recall, the staff recommended that this be demolished some time ago. Council Member Vestal was correct in that Mr. Porter was given an extended period of time to bring this particular structure into compliance as a residential unit. They have monitored it regularly and Mr. Vincent (Codes Inspector) had made regular visits. They have discussed it at a staff level, Mr. Porter very close to having it completed. She added that she was reluctant to ask them to demolish it at this point.

Council Member Vestal asked how close they were.

Mrs. Stultz replied that there were some finals to do, some plumbing installation, some fixtures and those kinds of things. Mr. Vincent thinks it can be finished in a month.

Mayor Price noted that he was there about two months ago and Mr. Porter had made some substantial improvements. He had the bathrooms in, the plumbing was not installed, but the main items were in. They still had to do some ceiling work, heating and air. They had put the steps in and they had done some work on the adjacent building. The building was taking shape.

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They had done some door work and roughed in a lot of things.

Mrs. Stultz added that Mr. Vincent had been there as late as last week.

Council Member Gover stated that he could not understand why they were not given a full progress report. Mayor Price received his own report. He (Gover) went to a person who had been closed down and seen the progress that he had made and it was meaningless. But, here on this same issue, that they condemned this months ago and they still extend it, they never get a full report. He questioned how much money he had spent on this and what was the progress. He was not for continuing this. If they condemn this property then they should get on with it just exactly as they did the other.

Mayor Price asked if in her opinion it was 30 days away from being acceptable for habitation to which Mrs. Stultz replied that was what Mr. Vincent had indicated.

Council Member Turner commented that she thought that was the date they had agreed on anyway to which Mrs. Stultz replied no, it was this month.

Council Member Vestal stated that it was October, then January and now this month. He asked if she was talking a complete C/O in 30 days to which Mrs. Stultz replied that was entirely possible. Council Member Vestal stressed that he was not asking if it was possible as 30 days from now they could come back and say 15 more days and maybe he will have a C/O. He added that he knew she did not know, but that was why he was saying that this had been dragging on.

Mrs. Stultz agreed that it was way too long.

A motion was made by Council Member Vestal seconded by Council Member Gover to follow through on the demolition.

The City Attorney, Mr. Tom Medlin, commented that he was concerned over the fact that there were outstanding permits that have been issued for work to be done and he was in the process of doing that work. He had a year under those permits to do the work and at this point in time what was before them was not whether or not he obtains a C/O, but under the order that was issued from the Planning Department, he had to either demolish or bring that property back to where it was no longer in violation of their code and his understanding was that he was either in no violation of that code, even though he was not ready for a C/O, that he was making that progress and he may have rights under those building permits that have been issued to complete the progress that he had started. So, he had some concerns, that if they turned around now, and that was one of the things that they had talked about when they initially gave him time. He recalled that he had told them that he may get far enough along that they may not be able to turn around and just demolish and he was still under an order if they did not demolish, that he had to comply so that he was no longer in violation with the order that he had been served. So, he recommended that the Planning Department pursue that order to make sure he was no longer in violation of the code and he was at that point, or very close to it, and he did not think he had to have a C/O to be compliance.

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Council Member Vestal asked if he was in violation of this code at this time.

Mrs. Stultz replied that at this time he was no longer in violation of the non-residential maintenance code.

Council Member Vestal stated that in other words she was telling them that he had a year to do this. He questioned why they were wasting time when he had a year. He then withdrew the motion.

Council Member Epps asked if they could put a stipulation on the permits to which Mrs. Stultz replied she did not have that ability.

Council Member Gover stated that if they had been deceived all of this time when they issued a permit and he had a year, then why were they fooling themselves with this 30 and 90 days to which Mayor Price agreed.

Mrs. Stultz explained that at the time they sent the notices on this particular building, it had been a commercial structure. That was the only occupancy it had ever had and they did it under non-residential maintenance. They brought it to them last summer and asked that both sides of the structure be demolished at that time. It could not ever be occupied again as a commercial structure. It was in a residential zoning district and had been since the time of original zoning in 1968. Once he completed and the Council gave him extra time to work on the building, once he corrected the structural issues that were involved in that building, at this point it was in a kind of no man's land. It had never had an occupancy permit as a residence and it could no longer ever be a commercial structure. At this point, that was where they were. There was certainly no intent on her part to ever deceive them in any shape, form or fashion.

Council Member Gover pointed out that they hear one side and then they hear another that was deceiving.

Mayor Price explained that her explanation seemed to be reasonable. They have dealt with so many properties like this. He added that this Council had been very lenient.

Council Member Epps questioned if the City Council could cancel permits to which Mr. Medlin replied that he was not sure at this point as to what rights the citizen had. He stated he would have to look that up. Council Member Epps suggested that they look at it in 30 days.

Mayor Price asked Mrs. Stultz for a progress report at the next meeting.

Mr. Medlin commented that he would like to follow up with Council Member's statement that initially those permits were not all issued at once but in segments over different periods of time and if he had gotten an initial permit and never started or done the work, then he would still be in violation and the Council could go ahead and direct that it be demolished. The order was to either repair or demolish and since it was no effort to repair the order was going to be demolished. So, just because he was given several attempts and he started doing some work

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and it finally crept its way in to a point where now either had there been some rights that have vested in the property owner, had he gotten far enough that he was no longer in violation for what he was sited for. If he had been cited under the housing code he would still be in violation because they could not inhabit the property, but since it was an unoccupied building, this was a really unique situation.

(b) Request City Council remove from the table the nuisance case regarding 611 Prospect Street.

The memorandum explained that due to the increasing amount of complaints on 611 Prospect Street, the Planning & Inspections Department would like to request that the Council remove this as a tabled item. The nuisance complaint was first brought to the attention of Council at the October 2002 meeting.

This item was removed.

(c) Request approval to demolish building at 1305 Carolina Avenue (Hickory Square Apartments).

The city has received a quotation of \$151,465 from D.H. Griffin Wrecking Co., Inc., to demolish a building at 1305 Carolina Avenue.

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

(d) Request approval to demolish building at the corner of The Boulevard and Irving Avenue.

On December 3, 2002, an order was issued to repair or demolish a building located at the corner of the Boulevard and Irving. At this time the building was owned by Bryant and Azilee Lemons. On February 18, 2003 an ordinance was adopted by the Eden City Council ordering demolition of the building.

On February 20, 2003, Mr. and Mrs. Lemons sold the subject property to a Mr. Leo Terry of Axton, Virginia.

In May of 2003, we received a bid of \$106,330.00 from D.H. Griffin Wrecking Co., to demolish the building. At that time the City Council had concerns about the cost associated with the project and the city's ability to recoup the funds.

The high cost of demolition is associated impacted by the electrical lines at the site. An updated cost estimate was received from the same firm for a cost of \$117,747.00. The increase was due to the increased tipping fees at the landfill.

There has been discussion about trying to repair the building instead of demolishing it. Notices were sent to every qualified contractor with a privilege license to do such work in Eden and an ad was run in the local paper. No bids were received and they were told the building could not be saved.

It was recommended that the City Council authorize the expenditure for demolition.

Mrs. Stultz explained that this particular structure was one that they have struggled with an extended period of time as well. It was brought to the Council for an ordinance to demolish and that was adopted in February of 2003. At that time the price they had received was \$106,330.00 to demolish it.

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At that point the Council was reluctant to expend those funds and they tried every effort to find other avenues to abate the problem and preserve that particular downtown area.

In the recent past they ran a notice in the newspaper and sent letters to every general contractor they could get their hands on within the County, to ask them to give them prices on repairing this particular building. The responses they received until today were that the building could not be saved and no one would give them a number. Today, Associated General Contractors called them and they submitted an estimate to basically create a shell building. It would be a roof repair, stabilization of the building and some other work to make it so that someone could purchase it and bring it up to code and possibly use it again.

The price they have now, and she was sure that was determined by the increase in gas prices and landfill fees, was \$117,747.00 to demolish it and a preliminary amount of \$143,700.00 to stabilize the structure. The issue they have at this particular time was that the person who owned this property now did not reside in Rockingham County and did not own any other real estate in the County; therefore they have no other properties that could potentially be offered as assistance to help them recoup the public's money if this project was completed.

In response to a question by Mayor Price, Mrs. Stultz asked permission to proceed to make every attempt to collect those monies owed to the city. She stated that she guessed that it was likely that the city would end up in ownership of that building, that property that was left.

Council Member Epps asked if they were talking about \$25,000.00 to keep it or destroy it.

Mrs. Stultz replied that they were talking about the difference between \$117,000 to demolish it and these were approximate figures they gave. She added that Mr. Vincent had not been in the office today so he had not looked at it.

Mayor Price questioned that those figures were not firm dollars.

Mrs. Stultz replied no they were not. The Griffin number of \$117,000 was firm.

Council Member Epps asked if that was for demolishing to which Mrs. Stultz replied yes. He then asked what her feelings were about preserving it.

Mrs. Stultz replied that they had made a tremendous effort over the last decade to make every attempt to try first to persuade the former owner to do the repairs and to protect his own building.

Council Member Epps questioned that in her expertise, did she think they would come out better by saving it or by going ahead and getting rid of it...just her opinion...to which Mrs. Stultz replied that to be honest, she was afraid to "dig" out on that.

Mayor Price asked that if the building was saved and it was somewhere in that neighborhood, then by the time the legal work was done, the city would assume ownership for the amount of

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money for repairs and could sell on the open market...to which Mr. Medlin interjected that he did not think they assume ownership. He thought they get a lien against the property and then they have to bring a law suit to enforce the lien and have the property sold at a judicial sale in order to get their money back. He added that he had not done the research on it, if they did the repairs, if they were still entitled to the same remedies, etc., hopefully they would be. It made sense that they would, but normally repairs were usually cheaper than tearing down and clearing out a building and they would spend their money when it was less to repair but he would want to make sure that if they were going to fix that property up and enhance it's value, then the owner could not come in and somehow or another file bankruptcy or do something to really muddy the water and make it tougher on the city, whereas if they demolish the building he did not have any incentive to try to keep his hands in it.

Council Member Gover stated that they had put seed money, roughly \$250,000, so they could not replenish their seed money knowing they spent \$151,000 on this side and \$117,000 over here. When they have a quarter of a million laying on the plate or better and they could not bring it back, he questioned what they were going to do for seed money on down the road for other projects.

Mrs. Stultz replied that the system that they were forced to work under with those kinds of projects was certainly not one of her creation nor was it one of the Eden City Council's. The statutes were very specific in what they could do and what they could not. She added that she would have hoped that there was some way to recoup the money from any, it was their project and plan to recoup as much money as gets spent on these projects as they possibly could.

Council Member Gover stated that when he had made the motion on the other building, he knew how unsafe that building was, but this building was no way [as] unsafe as that one. He questioned if they really needed to spend a quarter million dollars at this time. He noted that she went through this building with this proposal for \$143,000 to make it a shell building and doing all this pouring concrete and knocking out walls and installing all the windows and all of that, they did not need to do that. He questioned just putting a roof on.

Mrs. Stultz replied that she was not advocating for that but the thing was, if they did not bring it to the point, like the building of Mr. Porter's, to where it meets that minimum standard and it was not in violation, at any point they could choose to do these or not do them. This building had caused great consternation to the folks up on the Boulevard and people in the community and she was not advocating that they spend \$143,000, but she did however feel it would be dishonest not to bring it [the offer] in and show it to them when she received it.

Council Member Epps stated that the paper quoted today that one of the residents up there said the city was not going to do anything about it tonight; it had been sitting there all these years so they were just going to ignore it. He pointed out that was the feeling of the people out there about that building and they needed to do one way or another. He stated that he agreed with Council Member Gover in that if they could get a roof on that building to save it from getting any worse then take the steps at a time...to which Mayor Price explained that what Mrs. Stultz meant was that they should get it up to some type of code if they were going to ask people to obey the city code, she was trying to say that it had to be within the same spectrum of safety

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that the other building was in. He added that it seemed to him like [the] plan of repairing it as Council Members Gover and Epps were saying; at least they have an opportunity to get some money back on the project.

Council Member Nooe commented that they needed to do some research to see if they could even get the money back.

Mayor Price noted that was a good point. He asked if the Council felt comfortable about tabling this until next month.

Council Member Vestal asked if she had contacted the owner of this property now to which Mrs. Stultz replied that she had a number of times and he did not respond.

Council Member Vestal asked if they could legally pursue this without contacting the owner.

Mr. Medlin replied yes, if he meant to pursue fixing it up.

Council Member Vestal questioned that the demolition went with the property, not the owner to which Mrs. Stultz replied, yes.

Council Member Turner questioned the preliminary budget and asked if the scope of work that was listed there, was that what would have to be done to bring it up to the minimum standard.

Mrs. Stultz replied that to refresh everyone's memory, there had been a tremendous fire in this building and there was a hole in the roof that was about the size of her office and it was bigger now. She noted that both the second and first floors have deteriorated to the point that no one wanted to walk on them. There were also "critters" in there. She also added that it had been raining in there for more than a decade.

Mr. Medlin explained that to answer Council Member Turner's question, whatever work that had to be done would be so that it was no longer in violation.

A motion was made by Council Member Tuggle seconded by Council Member Nooe to table this issue until May in order to obtain more information. All Council Members voted in favor of this motion. This motion carried.

(e) Review of the draft of the NCDOT Transportation Improvement Plan.

During the City Council retreat a presentation was made and a discussion was held regarding the upcoming Transportation Improvement Plan (TIP) process. This year was unusual in that they would actually go through two such processes. The first for 2006-2012 and then in the fall there would be the process for 2007-2013.

Mrs. Stultz explained that they had discussed this at the Council's retreat and she explained that the North Carolina Department of Transportation was trying to adjust their cycle for transportation improvement plans and oddly during this calendar year they were going to do two of them. She explained that the first one was for 2006-2012 and the second one, which

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would be completed in the fall was for 2007 to 2013. She noted that as they could see there was a lot of information that she had shared with them on the second page of their packet.

She explained that there was an upcoming meeting in Kernersville on May 16th, in which they would be discussing the 2006-2012 plan. She noted that they have a draft of the funding report that came from the Piedmont Triad Rural Planning Organization, which was a group on which she served at the Council's behalf. She explained that this was a group of staff members that discuss transportation planning and the processes in regards to their division. She noted that in the RPO that they were involved in there was more than one NCDOT division because of the way their part of the world was organized. She stated that there were projects on there and the draft was ready and those projects were likely to be approved for the 2006-2012 plan.

She noted that the projects that they discussed in December at a meeting in which she, Council Member Gover and the Mayor had attended at Rockingham County, the additions and those issues that they would like to see added were things that were important to the city and included East Harris Place extension, four lane Meadow Road from Miller Brewing to Gant, East Harrington Loop extension from Highway 14 South of the Dan River Bridge to Highway 700, the New Street extension from New Street, existing, to the proposed Harrington Loop.

She noted that they were also asking at this point that the draft share intersection improvements. Intersection improvements were for safety reasons which all of these qualify and were funded in a completely different way than the TIP process. There was another meeting of their RPO at which she would attend and continue to ask that those things be done and that was the intersection of Kings Highway and Pierce and South Pierce, there at the hospital and the library and to help manage all of the new development that was going on. She noted that again Highway 14 and Arbor Lane and Highway 14 and Harris Place, all of these intersections were going to receive a tremendous amount of pressure in the next few months and years.

Mrs. Stultz explained that what they were seeing in their community at the moment was a tremendous amount of development pressure that they have not seen during her tenure as their planner. Those issues and problems that larger communities and more high growth have, they were starting to see them and these intersections were indicative of that. She stated that at this point what she would recommend that they do was that for the 2006-2012 plan they concur with the recommendations that have come out of the RPO and they continue to lobby for the 2007-2013 plan which would take over in the fall to include these things that have come to bear for them as a community since the time that the original planning for the 2006-2012 plan was done.

She noted that the Highway 14 widening was one of those issues that they have discussed tremendously over the last few years and it had been on the Transportation Improvement Plan and a part of the Thoroughfare Plan of this city certainly during the entire time that she had worked for the City of Eden and many years before that. She noted that was a project that did have importance to their community and to their ability to move truck traffic. In her opinion there were some other projects that have equal importance and they needed to begin to bring

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those to bear and get them into the NCDOT's scope of view and to try and get those things funded.

She stated that they have a responsibility, she believed, as a community to endorse and be a part of the regional County projects that they all know would improve the entire area. Equal to that in her opinion was the need for them to lobby for those transportation improvements that would benefit Eden particularly.

Mayor Price questioned that what she would like the Council to do tonight was to approve the request for the 2006-2012 TIP and authorize her to continue to lobby for the 2007-2013 to which Mrs. Stultz replied yes, as more information comes out of their RPO meetings, she would certainly share those with them as the summer moved on so they could make sure that they get as many of their project studies funded as possible.

A motion was made by Council Member Gover seconded by Council Member Epps to proceed as Mrs. Stultz had explained. All Council Members voted in favor of this motion. This motion carried.

Council Member Gover commended Mrs. Stultz for her work on this.

NEW BUSINESS:

(a) Request legal action on a zoning violation for property located at 773 Summit Circle.

The Planning and Inspections Department notified the owner of property located at 773 Summit Circle of a zoning ordinance violation.

The owner was given 30 days to appeal this action but had not done so. Staff requested legal action to remedy this violation.

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

(b) Consideration of sale of former police department building.

The city has received a bid on the old police department located at 344 W. Stadium Drive in the amount of \$37,500 from William Pace. The ad was run in the Eden Daily News on March 23 and March 31.

Mr. Corcoran explained that they had to advertise the bid to give people a chance to upset the bid and as they would note, the advertisement or the upset bids were run on March 23rd and March 31st. He explained that by receiving no bids now they were prepared to move forward if that was the Council's desire.

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

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c. Consideration of a traffic study request of parking spaces at Park Avenue and Morgan Road.

On March 11, 2005 Sgt. Sam Shelton received a traffic study request in reference to a merchant asking that parking spaces be painted on the side of the roadway at Park Avenue and Morgan Road. The location is on the south side of Park Avenue approaching the intersection of Morgan Road. The approach to the intersection heading east on Park Avenue is on an incline and the building which the merchant's business is located sits directly next to the roadway at the intersection causing a vision obstruction for traffic approaching the intersection.

The travel lanes on Park Avenue are of an insufficient width to allow parking spaces on the side of the roadway. The area in question is also between the stop sign at the intersection and the rear entrance to the business. The city's ordinance does not allow parking within 30' of a stop sign or within 15' of the entrance to a public building. If the width of the lanes and vision obstruction of the building were not an issue, there would still be very little legal space to place any parking spaces.

The Police Department's recommendation would be that parking spaces not be placed on the side of the roadway at Park Avenue and Morgan Road.

Mayor Price explained that the information presented by Sergeant Shelton recommended that the city not grant the spaces at that corner to which Council Member Epps concurred.

A motion was made by Council Member Epps seconded by Council Member Gover to concur with the Police Department's recommendation. All Council Members voted in favor of this motion. The motion carried.

d. Taxicab:

- (a) Consideration of an Application for Certificate of Public Convenience and Necessity.

On March 15, 2005, Michael Dillard Mitchell filled out an application for a Certificate of Public Convenience and Necessity. Mr. Mitchell is currently in the process of purchasing Eden Cab from Tommy Mitchell.

Mr. Mitchell plans to continue using the depot located at 111 Morgan Road. The Police Department's recommendation would be to grant Mr. Mitchell a Certificate of Public Convenience and Necessity.

Council Member Epps commented that the Police Officer (Shelton) called him and informed him that everything was good and looked fine so if the Police Department thought so, he agreed.

*A motion was made by Council Member Epps seconded by Council Member Gover to approve the consideration of application for Certificate of Public Convenience and Necessity. Council Members Epps, Gover, Turner, Myott, Nooe and Vestal voted in favor of this motion. Council Member Tuggle voted in opposition. This motion carried. *(Item later rescinded)*

- (b) Consideration of Taxicab Driver Permit.

On April 5, 2005, Michael Dillard Mitchell applied for a taxicab driver's permit. Mr. Mitchell has never possessed a taxicab permit and is currently in the process of purchasing Eden Cab from Tommy Mitchell.

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Mr. Mitchell currently possesses a valid NC Class C Driver's License. The city ordinance requires the Police Department to investigate and complete a criminal background of the applicant. No record of a criminal history could be found. Charges on Mr. Mitchell's driving record are over 5 years old.

Mayor Price noted that the next part of this item was for the consideration of a taxi cab driver permit.

Council Member Turner noted that that Chief Benthin and the Police Department had approved this request but she was a little concerned about the driving record. She added that she realized that people made mistakes and wanted to change, but she was concerned about the individual's driving record which had several violations.

Mayor Price asked for Chief Benthin's comments.

Chief Benthin replied that he was glad she brought that up as he was very concerned about it too. He had three (3) DWI's but the last one was nine (9) years ago and the city's ordinance did not allow them to consider anything over five (5).

Council Member Tuggle stated that it appeared that it went against what they were really asking somebody to do. They were driving the public around yet they had DWI's and speeding violations. He did not know, he just had a problem with that.

Council Member Turner questioned that if it was only supposed to go back five years why they were able to have that information that went back further.

Chief Benthin replied that he just thought they should be aware of it even though the ordinance said that they were not supposed to consider it, he thought they needed to know.

Mayor Price asked if that was a city ordinance or State [Statute] to which Chief Benthin replied city ordinance. Chief Benthin added that they may want to think about changing that in the future.

Council Member Turner asked if that would be a problem, if the Council had seen information that went back prior to this ordinance to which Mr. Medlin replied that if that was what their decision was based on. Council Member Turner questioned where they went from here.

Council Member Epps commented that he could go to any courthouse and get a public record as he did it all the time.

Mayor Price stated that he felt uncomfortable with this to which Council Member Epps stated that they could not base their opinion on the record they have but they could turn it down if they want to, not using that as a record.

Mayor Price asked if there was some element of information, they did not think they have the right information or did not have anything to base a decision on to which Council Member Turner replied no, she was just concerned about those violations and she was also worried that if it was before the time period that was supposed to be considered, they were only supposed to

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look back five years and they have information back further than that, if they only had the information for five years they would not know these things were there and they might approve this person. She added that she would not want to think that her family members might get into public transportation and that someone had a driving record. She also added that she appreciated the fact that someone wanted to earn a living and was trying to do that but she was very concerned about the violations.

Mr. Medlin suggested that if they wanted to consider tabling the matter for this time being and after the break he could go pull the copy of the ordinance and code. He noted that they would be having a closed session meeting and if they wanted to bring it back up after the closed session he could report back to them about exactly what the code did say about it that might answer their questions.

Mayor Price stated that he would like to give the attorney enough time to make sure that everything was in place. He suggested that they table this for a month.

A motion was made by Council Member Turner seconded by Council Member Tuggle that they table this for one month. All Council Members voted in favor of this motion. This motion carried.

(e) Consideration of an emergency replacement track loader.

The 1986 track loader owned by the city received extensive fire damage as a result of catching fire February 22, 2005. The entire front area of unit and back beyond the engine fire wall received major damage as a result of the fire. After inspection of unit by insurance carrier, the track loader was declared a total loss. The value of unit was determined by insurance carrier to be \$7,700. The Insurance Company has now settled the claim.

It is being requested in the 2005/06 budget process that the FL-7 Track Loader be replaced. The Solid Waste Division is requesting authorization to move forward at this time to replace the FL-7 Track Loader with a used unit that is in good condition. The estimated cost to replace the unit is \$35,000. The insurance funds in the amount of \$7,700 could be applied toward the replacement.

A motion was made by Council Member Gover seconded by Council Member Myott for approval of the request. All Council Members voted in favor of this motion. The motion carried.

CONSENT AGENDA:

(a) Approval and adoption of minutes – March 4 and March 15, 2005.

(b) Approval to call a public hearing for a local landmark designation for a pump located at 1000 Knott Street. CASE HPCL-05-01.

The Historic Preservation Commission has received a request for Local Landmark Designation for a former community hand pump located at 1000 Knott Street. The Commission would consider this matter at their April 18, 2005 meeting.

(c) Approval to call a public hearing for a local landmark designation for Lakeside School,

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719 Kendall Street. CASE HPCL-05-02.

The Historic Preservation Commission has received a request for Local Landmark Designation for Lakeside Elementary School located at 719 Kendall Street. The Commission would consider this matter at their April 18, 2005 meeting.

(d) Consideration of 2005 Street Resurfacing Contract – Request to award contract.

The bids were received on March 15, 2005. A total of four responsive bids were received. The low bidder for Part 1 of the project: Thompson's, Inc., of Danville \$511,039.15. They also had the low bid for the additional resurfacing section, Part 2, in the amount of \$105,748.80. The Engineering Department requested the City Council's approval to award Part 1 in the amount of \$511,039.15 to Thompson's, Inc.

(e) Approval and adoption of Sewer Use Ordinance – Fats, Oils and Grease.

In accordance with the City of Eden's Wastewater Collection System Permit, WQCS00018, Section 1.4 the City was to develop and implement a Fats, Oils & Grease Program by June 30, 2005. This program must be submitted to NC-DENR at least 30 days prior for review.

(f) Approval and adoption of Water System Emergency Interconnections. (*Dennis Asbury, Public Utilities*)

The City Council voted to postpone action on Water System Emergency Interconnections for one month so that they could hear from a representative of the NC-DENR Division of Water Quality on the subject. Lee Spencer, Regional Engineer for DWQ has a prior commitment on April 19th but plans to attend the City Council's May 17th meeting to explain the State's interest in water system interconnections. It was recommended that the City Council postpone this issue until that time.

(g) Approval and adoption of an ordinance amendment – Chapter Five (5), Article II, Sections 5-27 (A), 5-29 (B), (E), 5-30 (A), (C). Item approved at March 15, 2005 regular meeting of City Council.

Mayor Price stated that he would like to pull item 9(e) from Consent Agenda for additional information.

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

(e) Approval and adoption of Sewer Use Ordinance – Fats, Oils and Grease.

Mayor Price stated that this item sounded good and he was glad the city was doing it. He questioned the 1000 gallon tank. He asked Mr. Asbury if that was standard in the restaurant or was that going to be for new installations or something that was part of restaurants already.

Public Utilities Director, Mr. Dennis Asbury, explained that he had talked with the Code Inspector, Bob Vincent and found out that apparently no formula was required at the State level as far as calculating the size of grease traps. They had discussed the possibility of developing

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one for local application and amending this ordinance in the future to contain whatever formula might be necessary, but they had not done that at this point in time.

Mayor Price asked if this was one to get started with new installation.

Mr. Asbury noted as they read through it they would see that it would apply to existing restaurants. Especially there was a problem that arose there and they had worked with the inspection of the sewer lines and found a number of places where there was a buildup of grease and generally those were associated with restaurants in food preparation areas. He stated that he thought that was...they would go back to it and enforce it if that was the case.

Mayor Price asked what size most restaurants used now.

Mr. Asbury stated that his understanding from Mr. Vincent was that since there was no requirement they could put in anything much they wanted. That was from a building code perspective and he would have to address that for them. The whole purpose behind this ordinance, as they may recall, was that when the State issued the SOC and the permit for their collection distribution system that they had a requirement to establish an oil and grease ordinance as a part of that.

Mayor Price asked if the restaurants would have to put this in if they did not have one. He was just curious if that was a standard part of restaurant business to have this grease trap as part of their normal operating business to which Mr. Asbury replied yes.

Council Member Vestal added that they would not be required to unless they were having some sort of a problem, that was the way they discussed it in...to which Mr. Medlin commented that compared to what they had in their prior package that went out, he reviewed that compared to the existing city code and there were, he thought, three sections that with what they already had in the code, it was being duplicative so he deleted those and made it so that they did not have conflicting or double ordinances. So if they sit down and read the ordinance that he put in front of them and compared it to what they had, there would be three that they would see that were not in there because they were already in the code. He noted that one was enforcement and one was monitoring and the other was the actual saying that they could not put grease and oils and animal fats in the system.

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

VOUCHERS:

There was no discussion about vouchers.

CLOSED SESSION:

Closed Session in accordance with G.S. 143-318.11(a)(6) for discussion of personnel.

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

OPEN SESSION:

A motion was made by Council Member Gover seconded by Council Member Tuggle to return to open session. All Council Members voted in favor of this motion. The motion carried.

MOTION RESCINDED:

Mr. Medlin suggested that the Council consider making a motion to rescind action taken on Item 8(d)(a) Consideration of an Application for Certificate of Public Convenience and Necessity, set aside approval of that and after rescinded table the item.

A motion was made by Council Member Epps seconded by Council Member Tuggle to rescind Item 8(d)(a) Consideration of an Application for Certificate of Public Convenience and Necessity. All Council Members voted in favor of this motion. This motion carried.

A motion was made by Council Member Tuggle seconded by Council Member Nooe to table this Item 8(d)(a) Consideration of an Application for Certificate of Public Convenience and Necessity. 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 Tuggle to adjourn. All Council Members voted in favor of this motion. This motion carried.

Respectfully submitted,

Kim J. Scott
City Clerk

ATTEST:

Philip K. Price
Mayor