

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, August 16, 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
	(Arrived Late)
Representatives from Departments:	
Representatives from News Media:	Brian Ewing, <u>Eden Daily News</u> , Robbie Doss, <u>Eden's Own Journal</u> , Mike Moore, WLOE; Matt Smith, Star News

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:

Mr. Wayne Johnson, Pastor Trinity Wesleyan Church, was present to give the invocation.

PROCLAMATION:

(a) Proclamation: Kids Day America/International

Mayor Price read the following proclamation in recognition of Kids Day America/International

**PROCLAMATION
KIDS DAY AMERICA/INTERNATIONAL**

WHEREAS, the Health and well-being of children is our responsibility; and,

WHEREAS, the Safety of our children is a significant concern for parents, community leaders, and health care givers; and,

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WHEREAS, the Environmental welfare is of universal concern and deserves the utmost attention; and,

WHEREAS, if started in childhood, proper Health, Safety, and Environmental habits can be maintained for a lifetime, producing a valued member of society, and enhancing our community;

NOW, THEREFORE, I, Philip K. Price, Mayor of Eden, do hereby proclaim the 17th of September, 2005 as “Kids Day America/International” in Eden, NC and urge that this day be dedicated to the efforts of Doctors of Chiropractic in helping educate all citizens on the importance of Health, Safety, and Environmental issues affecting our community.

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

ATTEST:

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

(b) Proclamation: Kids Day America/International

Mayor Price read the following proclamation in recognition of the North Carolina Department of Transportation’s Fall Litter Sweep program and asked Mrs. Kelly Stultz, Planning Director and Mr. Dennis Asbury, Public Utilities Director to come forward for the reading of this proclamation:

**FALL LITTER SWEEP
PROCLAMATION**

WHEREAS, the North Carolina Department of Transportation organizes an annual Fall statewide roadside cleanup to ensure clean and beautiful roads in North Carolina; and

WHEREAS, the **Fall 2005 “LITTER SWEEP”** roadside cleanup will take place September 17 – October 1, 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 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 Fall 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;

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NOW, THEREFORE, I, PHILIP K. PRICE, Mayor of the City of Eden, North Carolina, do hereby proclaim September 17 – October 1, 2005, as “**FALL LITTER SWEEP**” time in the City of Eden and encourage citizens to take an active role in making their community cleaner.

PHILIP K. PRICE IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Eden this sixteenth day of August in the year of our Lord two thousand and five.

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

ATTEST:

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

ADDITIONS OR DELETIONS TO MINUTES:

A motion was made by Council Member Vestal and seconded by Council Member Gover to pull Consent Agenda Item 9(b) for discussion. All Council Members voted in favor of this motion.

PUBLIC HEARINGS:

(a) Consideration of approval of an appropriation from the General Fund in an amount not to exceed \$150,284.40 for the cost associated with a Performance Agreement between MGM Transport Corporation, the City of Eden, and Rockingham County. The City will reimburse the Company for Eligible Costs over a 7 year period with the first annual installment being made by February 28, 2006 and subsequent annual installments by February 28 in each subsequent year. The installments due for each year are derived from the phased investment of the company in yearly amounts.

Mayor Price called for a public hearing and noted that no one had signed up to speak at this public hearing. He then called on Ms. Lisa Perry, Rockingham County Economic Development Partnership, to come forward.

Ms. Perry explained that this particular project was announced in November of last year and is MGM which is a high end furniture importer, assembler and distributor. The investment will take place throughout three phases over a seven year period equating to 5.9 million dollars in machinery and building improvements and 268 jobs over seven years at an average rate of \$14.00 to \$15.00 per hour.

She noted that they have been negotiating a number of other performance agreements on this project which has delayed them from getting this final incentive performance agreement completed, but some of those other performance agreements are relative to state funds including grant monies which will assist them in making rehabilitation to the building and will allow the city of Eden to make improvements to water and the sewer infrastructure also to facilitate the project, so it was important for them to work toward paying those other grant agreements and performance agreements and carry through and administer to prior to getting

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them finally signed off on. She stated that they respectfully request the Council's approval and will answer any questions the Council may have.

Mayor Price stated that the Council had been provided with a revised Performance Agreement and he asked her to explain the changes made.

Ms. Perry replied that it was Page 3 of 12, Item 1(b) where it referenced February 28, 2006, that would actually be February 28, 2007. Likewise on Page 5 of 12 under Item (c), likewise the company agrees to maintain the employment through 2013 rather than 2012.

Council Member Vestal asked Ms. Perry to take a short minute and explain that this money is not actually coming out of the coffers so to speak, to which Ms. Perry stated that this money was not coming out of existing taxpayers dollars, this is actually coming directly out of the taxes paid by the company, the taxes that will be paid by the company on personal business property and also real estate tax. So this will be new tax investment to the community that will be generated directly from this project. If the project were not to come to the community then those monies would not be generated. Also, for the benefit of the public, they ran the numbers, looking at their return over time, and even with the incentives that the city are looking to contribute to the project over the 10 year life of the project, despite the incentives offered to the company, under Phase I, they will still generate \$31,861.85 in revenue to the city that is relevant to, again, Phase I which is \$3.1 million in machinery and equipment, Phase II which \$1.346 million in machinery and equipment, we will generate over the 10 year life of the project \$21,550.59. That is outside of the incentive that will be offered to the company. Then, finally Phase III was \$1.485 million over the 10 year life of the project, with respect to that, have an investment in tax revenue of \$23,496.91 in revenue to the community. So all the while that they are offering incentives to the company, they are generating revenue to the community at the same time. Then after the 10 year period there will be a 100 percent return back to the city on all proceed from those...

Mayor Price noted an interesting comment on page 2. He stated he was assuming that a basic employment job is a job in the industrial sector and each one of these jobs will create an additional 2.9 additional jobs in our county which falls in line with the importance of having to have industrial jobs in our community. That really generates a lot of additional monies and opportunities for the city to grow.

Mayor Price asked if there were any questions and as no one signed up to speak he then declared the public hearing closed and asked the Council for their decision.

A motion was made by Council Member Epps seconded by Council Member Tuggle to approve the Performance Agreement with the city of Eden and MGM Transport. All Council Members voted in favor of this request. This motion carried.

MONTHLY FINANCIAL REPORT:

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

REQUESTS AND PETITIONS OF CITIZENS:

None

UNFINISHED BUSINESS:

(a) Consideration of a bid for a condemned building on The Boulevard.

The memorandum explained that for more than a decade the City of Eden and the merchants on The Boulevard have struggled to find a solution to the problem of the derelict condition of the building located at the corner of The Boulevard and Irving Avenue.

The City Council adopted an ordinance for the demolition of the building on February 18, 2003. On the 20th day of February 2003, Mr. and Mrs. Bryant Lemons deeded the building to Mr. Leo Terry of Axton, Virginia. A copy of the ordinance and the deed are attached for your review.

The city has received a bid for the demolition of the building from D.H. Griffin in the amount of \$117,747 plus \$15.00 per cubic yard of fill required to bring the property back to grade. Associated General Contractors has offered a proposal to stabilize the building and bring it up to various stages of repair. The lowest amount is \$149,800 and various stages could go up to \$210,350.

The consultants that were brought in to study the downtowns recommended that the building be saved. Additionally, conversations with Mr. Rodney Swink, of the North Carolina Department of Commerce, indicate that he was also of the opinion that the building should be saved. The merchants and property owners on The Boulevard have also expressed their support for saving the building.

The main stumbling block for proceeding with enforcement has been cost and the risk of not being able to recover the public funds spent. Captain Reece Prytle helped locate Mr. Terry and they have met with him at his home in Axton. Information received at this meeting and records from the Rockingham County Tax Office have given Mr. Medlin a new avenue to pursue in the collection of funds spent by the City.

Based upon the foregoing information, it was recommended that the City Council call a public hearing for their September regular City Council meeting to amend the ordinance to order the repair or demolition of the property. If the ordinance was so amended it was recommended that the building be repaired.

Ms. Stultz stated that this particular building is one that she had been hearing about its condition for nearly as long as she had worked for the city and last week she crossed her 15 year anniversary. It is one that has been a problem on The Boulevard and one that the city and staff have struggled with for a number of years. In recent weeks with help from our police department, particularly Captain Prytle, they have uncovered some information that has led Mr. Medlin to believe that there may be an avenue to pursue in order to recoup funds that might be spent with the demolition.

Ms. Stultz stated in light of all of that and the possibility of an avenue to pursue to regain the funds, and upon the recommendation of Rodney Swink who is head of the Department of Commerce agency function for the city's main street program, on the recommendation of a number of our merchants who are in that area, plus information from other sources that

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recommend that if all possible we try and preserve the building for the future of The Boulevard shopping district. With that in mind and if the Council chooses to do that, she suggested calling a public hearing for the September meeting which would amend the ordinance that was originally adopted. Anything that is adopted under Article 19 of Chapter 160A of the North Carolina General Statutes, the Council would have to have a public hearing. She asked that the Council amend the ordinance to allow either demolition or repair and if at that time the Council chooses to tell them to make repairs, then they can decide to what level they might want to do that. Mr. (Bob) Vincent, Building Inspector, has gone over the building and believes that the bid they have, they could stabilize the building and make it ready for someone to purchase and be able to go in and resolve the problems that the other buildings around there suffer because of it for the bottom amount based on Mr. Medlin's confidence in recouping the money, they might consider doing a little more than that, perhaps taking the awnings down and a few other things when they made those repairs. She stated that it was entirely a discretionary decision and a policy decision by the City Council. She also noted that there were some merchants in the audience and from her conversations with those individuals have been that they do support repair rather than demolition. She added that they have done a demolition in the downtown and it turned into a successful spot which was the pocket park on Washington Street and this building, even in the shape it is in, has much more potential than the ones that were on that side.

Mr. Mike Dougherty stated that Main Street was economic development in the context of historic preservation, so just by the very premise of their existence; they do not like to see buildings torn down. They had the Main Street resource team in there last year and they strongly recommended that the building be somehow preserved. He also noted that they had Haden Stanziale in for the Streetscape Program, the master plan included preserving that building if at all possible and Rodney Swink and Meg Dees were in there last week and they did the annual review of Eden and they strongly recommended that the building be maintained.

Ms. Becky Shomali, is an owner of a business on The Boulevard as well as a couple of different lots on The Boulevard. She stated that she is currently a member of The Boulevard's Merchants Association and an active member of the Main Street Committee. She asked the Council to seriously consider keeping the building with the possibility that Ms. Stultz mentioned of revitalizing it to a point that it can be used. She added that those of them know that the famous building on Washington Street stayed somewhat usage for quite sometime and after a city function, someone coming from out of town noticed the building. She added that she was not asking that the Council wait 30 years, but she was asking them at this point to take consideration of saving the integrity of The Boulevard, the downtown Leaksville and downtown Draper areas have already started their revitalization of filling in of the buildings so it only stands to reason that The Boulevard is going to maintain and carry on some of that overflow. They have been active as a Main Street community for three or four years and they were doing some awesome things. They are moving on and getting more notoriety and more publicity from outside areas. She asked the Council to consider saving the building so that they give themselves and the outside community opportunities to see that building and work with it.

Mr. Raymond Uden, a Boulevard merchant, stated that The Boulevard is a special place, especially to him and lots of other people, but we do have problems. As he looked out,

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knowing he was coming to the meeting tonight, from his vantage point, and big grey boards hit him in the face, adding he had been looking at those for years. Also, he had been looking at broken windows for years, and he looks up and down the street, he even walks up and down the street, and they have other people who own buildings there. He stated he has never understood why someone would buy a building and let it run down and there are several of those on The Boulevard.

Mr. Uden stated in getting back to the building in question, he thought, anything reasonable he would prefer restoring it like everyone agreed rather than tearing it down. When you tear something down, it's gone forever. He added he thought The Boulevard can come back because he has seen it go down every once in a while and come back. They have recently had several newcomers that, he thought, had done well. His business has also held up so he thought there was real potential.

Mr. Uden stated that while he was up there, he wanted to thank Mayor Price for 12 years of terrific service as he has been with him all the way. Mayor Price had encouraged him and he thought that Mayor Price was the most optimistic person or mayor that he has ever seen.

He thanked the Mayor and Council and ended by saying "save The Boulevard".

A motion was made by Council Member Epps seconded by Council Member Myott to call for the public hearing for next month's (September) meeting. All Council Members voted in favor of this motion.

(b) Consideration of study regarding riding horses on city streets.

The memorandum explained that last month the City Council amended the City Code Section concerning the hours that a horse could be ridden. At that meeting, staff was asked to look into an amendment to the City Code that would require any waste left by a horse, pony, mule or other such animal to be removed by the owner or rider of the horse.

There was a discussion about horse diapers. Thus far only one apparatus of this kind could be found that that would apply to horses that were harnessed for pulling a carriage, buggy or wagon. The following was a recommendation for an amendment that would address the issue:

Sec. 3-90 Mandatory Removal of Feces.

Each and every person, rider, keeper or custodian of any horse, pony, mule or other such animal in any public place, street, sidewalk parking lot or on the private property of any person other than the owner shall immediately remove all feces deposited by the animal. Such removal shall be accomplished by depositing such feces in a sanitary container. Depositing the feces in any river, body of water or directly into the city's sanitary or storm sewer systems is prohibited and constitutes a violation of this section.

Further concerns were expressed about the visibility of animals ridden or driven at night. Therefore, it was also recommended that Sec 3-89 be amended as follows:

Sec. 3-89 Reckless Riding, Driving; Disobedience of Traffic Laws Prohibited

It shall be unlawful for any person to ride or drive a horse, pony, mule or other such animal in a reckless manner or to disobey vehicle traffic laws. Any horse, pony, mule or other such animal that is ridden or driven more than 30 minutes after sunset shall wear reflective devices or lights so that the animals are visible to

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other members of the public and vehicles.

Council Member Vestal asked Mr. Corcoran or the Clerk if there were specific statements in the City ordinances on dogs along those same lines, as far as the waste, or would they be singling out one specific animal and leaving others alone.

Mr. Corcoran replied that he was not sure, but the ordinance could be pulled for review.

Mayor Price noted that Mr. Corcoran had indicated that he would pull this information and have it back at the next Council meeting.

A motion was made by Council Member Myott seconded by Council Member Tuggle for approval. All Council Members voted in favor of this motion.

NEW BUSINESS:

(a) Consideration of a traffic study and adoption of an ordinance to place a stop sign at the intersection of Walker Drive and Boone Road.

A traffic study request was received in reference to placing a stop sign at Walker Drive and Boone Road.

Walker Drive was a residential street that exits onto Boone Road. Walker Drive contacts Boone Road at an angle and on a downhill grade. Boone Road was a downhill grade as you travel north.

The police department's recommendation would be to place a stop sign at Walker Drive for vehicles exiting onto Boone Road.

A motion was made by Council Member Epps seconded by Council Member Gover for approval and adoption (*or ordinance to place a stop sign at Walker Drive for vehicles existing onto Boone Road*). All Council Members voted in favor of this motion.

(b) Consideration of a traffic study and adoption of an ordinance to change the four (4) way stop at the intersection of E. Harris Place and Linden Drive to a (2) two way stop.

A traffic study was received in reference to changing the 4-way stop at Linden Drive and East Harris Place to a 2-way stop.

This intersection became a 4-way stop due to the heavy flow of traffic to and from Wal-Mart. Wal-Mart has now changed location and drivers regularly run the stop signs while traveling east and west, making it less safe than a 2-way stop. A 2-way stop would also facilitate the flow of traffic to and from the new Wal-Mart.

The police department's recommendation would be to remove the stop signs for traffic traveling east and west on East Harris Place.

Chief Benthin explained that Sgt. Sam Shelton actually did the traffic study but he was not present. He explained that they were all aware the situation. They had asked that this become a four way stop several years ago because they were receiving a lot of complaints of people running the two existing stop signs. They thought if they put an additional two, then they would slow down, but everyone is running all four stop signs. Because we have a new situation with Wal-Mart being there and more traffic going in and out of there, they are

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recommending that they eliminate the two (stop signs) that are the entry and exit directions from Wal-Mart at least then they will know whose responsibility it is to stop. Right now, he thought there was a little confusion as to who has the right of way, most people are running the signs anyway.

Council Member Gover asked if there was a plan in place to educate the people if this were passed. Chief Benthin replied that he thought they needed to write some tickets because people did not take them seriously on those stop signs.

Council Member Tuggle stated he spent some time there watching the traffic, once the Wal-Mart moved from one place to the other, and at one time all of that traffic came from Wal-Mart and they needed the four way stops, but there is not that much traffic coming from that particular shopping area as it was before. And to him, it creates a lot more confusion with the four stop signs there as opposed to have the east, west traffic going in to Wal-Mart. He thought it would really eliminate a lot of problems, to only have two stop signs as opposed to four. He added that he had watched the traffic there a couple of different times and had seen them do the same thing, so he certainly agreed with what they (Police) say.

Council Member Turner asked if they did not think that the four way stop would keep people from flying down that street, that was what she observed the other day. She stated she realized the four way stop, as there was one near her daughter's apartment in Boone and it was a disaster, but she just thought it would keep people from, if they have a green light coming off of Harris Place, they are just a shot down to the Wal-Mart ...

Chief Benthin replied he did not think that would help, he added he did not like four way stops, statistics would show more accidents at a four way stop than a two way stop because of the right of way question. People do not know whose turn it is to go, they would have to go pull out their drivers manual and they are not going to that. And, then if they are running them in all four directions, it is not going to matter, at least this way it will be absolutely clear that in two directions they do not have to stop, putting 100 percent of the burden on the two that do have the stop signs.

Council Member Myott asked Chief Benthin if he would start (*enforcement*) with warnings to which Chief Benthin replied certainly.

A motion was made by Council Member Gover seconded by Council Member Epps to adopt (*the ordinance*) placing the two way stop back into effect. All Council Members voted in favor of this motion.

(c) Consideration of Bio-Solid Project - Aerator Purchases

The memorandum explained that during the July Water and Sewer Committee meeting, the Committee was presented with an alternative to the treatment of the alum sludge. The original project called for a pump station to be built at the Wastewater Treatment Plant to pump the Alum Sludge into a lamella Separator at the Sludge Storage lagoons. That project would have eliminated the alum sludge from going into the treatment process and settling out in the aeration basins. The alternative was to purchase 24 horizontal brush aerators to replace the existing 16 vertical aerators. The advantages to this is as follows:

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1. The proposed Alum Sludge Pump Station Project was estimated to cost \$700,000+ (not including operational cost). The proposed aeration purchase is estimated to cost between \$350,000 - \$400,000. There is currently \$387,000 in the Bio-solids Project Fund.
2. The proposed units have a much higher dissolved oxygen transfer and mixing rate than the current units. The proposed units will provide for better treatment and will prevent the settling of the alum sludge.
3. Four of the same type units are currently being used in the digester. Mixing in this tank increased from 30% unmixed to 95% mixed. This change also provided an energy savings of approximately \$20,000 last fiscal year.
4. Currently, we are using 880 horsepower (22 units X 40 hp per unit) total in both aerations basins. The proposed units would only require 480 horsepower (24 units X 20 hp per unit).
5. The reduction in horsepower would reduce our energy cost by an estimated \$104,000.00 annually.
6. The 24 units are proposed for the design flow of 13.5 million gallons per day. The city currently averages 7.0 - 8.0 million gallons per day. This would allow them to possibly alternate run times with the proposed units and increase our energy savings.
7. The payback for these units would be less than five years with the estimated energy savings.

Reviewing all information from the three manufacturers of similar type units, two of those units were completely different from the S & N Airoflo unit. The S & N units have numerous differences that would allow for easier, safer and more cost effective maintenance. S & N Airoflo is the only manufacturer of their type unit.

In a conversation with Ms. Frayda Bluestein of the UNC-Institute of Government Purchasing, she stated that if there were circumstances that provide unique differences of a limited manufactured product, then the product could be purchased under the sole source purchasing provisions of the procurement law.

It was the recommendation that this purchase be done under the "Sole Source" provision as stated in NCGS 143-129 (Procedure for letting public contracts). NCGS 143-129(e)(6) reads as follows:

(e) Exceptions. - The requirements of this Article do not apply to: (6) Purchases of apparatus, supplies, materials, or equipment when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (Hi) standardization or compatibility is the overriding consideration. Notwithstanding any other provision of this section, the governing board of a political subdivision of the State shall approve the purchases listed in the preceding sentence prior to the award of the contract.

Council Member Epps stated he thought they went through this thoroughly explaining it to their past meetings so he would be in favor of adopting this.

Mayor Price explained that the request was to purchase the 24 horizontal brush aerators from the S&N Airflo, adding that this is a special type of purchase, unique piece of equipment, as you know they have approval of this purchase for a single purchase.

Mr. Nooe stated as Chairman of the Committee (that reviewed this), he would like to thank the staff for putting up with them. They had discussed this for many months and they were heading in a total different direction at the request of a couple of the Council Members. There was further research done and it seemed like a better solution, he thought everyone was happy with it. He commended Mr. Dennis Asbury and Mr. Charles VanZandt for putting in the extra time and effort and for putting up with them. He also thanked Council Members Vestal and Gover who spent time researching this, too and it and it came up a savings from the way it was proposed to be done and it looked like long term it would be an energy savings which would be

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paying off every year and not just for installation. He again appreciated the hard work of the Committee and plus the staff for putting up with them for sometimes being a little hard, but this worked out the way the committee should. There were discussions and it went back and forth many times, but it seemed to work well in the long run.

Mayor Price noted it was kind of Mr. Nooe to say that and added that Mr. Asbury and Mr. VanZandt do spend a lot of time beyond normal type operation things to get the right purchase. Along with the Committee, Mayor Price commended Council Member Nooe for his engineering background as well.

A motion was made by Council Member Nooe seconded by Council Member Gover for approval (of the purchase). All Council Members voted in favor of this motion. The motion carried.

(d) Consideration of Junk and Abandoned Vehicle Fee Schedule.

The memorandum explained that as the junk and abandoned vehicle lot has been finished and the city has started to tow cars, please allow the Planning and Inspections Department the authority to charge a storage fee of \$20.00 per day for each day the vehicle was in storage. They would also ask for the authority to charge the owner of the vehicle the amount that the towing contractor set and the administrative fee of \$50.00.

Council Member Gover made a motion that this item be tabled for lack of information. He explained that this seemed to be going further than what he thought it would go. He thought they were entering a temporary lot and he did not know they were going this far as to set up a storage and junk car lot. He stated he did not realize they would be going that far and he thought they needed more studying of this.

A motion was made by Council Member Gover seconded by Council Member Vestal to table this item.

Ms. Stultz, Planning Director, stated that in order for them to be able to go through the process with the State of North Carolina, to get the vehicles out of our lot, they have to have a storage fee and the towing fees so that they can establish to the state that they have charged that amount of money, and then they can have the vehicles disposed of and crushed. They set up a very specific and legal process to go through to dispose of the vehicles and they have to do that for that reason.

Council Member Gover stated they were going into direct competition with the local business people and he did not particularly like that. He also did not particularly like setting up another junk yard and that was exactly what an abandoned car is and a junked car. He thought it was temporary, he was like Ms. Turner, when they first talked about this, she did not want a junk yard up there and he did not either. This was indicating to him that they were going directly in competition with their local people who are already doing that and he thought they needed to talk about it and look at it a little bit...

Ms. Stultz stated that the local folks were doing the towing. The city is paying them to tow the vehicles to the lots.

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Council Member Gover stated at \$20.00 per day, that was \$140.00 per week plus the legal fees that we do not know what they are going to be. One hour of the legal fee can take up the whole week of the \$20.00 fee a day so he thought they needed to table it and talk...

Mayor Price asked Ms. Stultz what the fee was that the local people charge to which Ms. Stultz replied that they checked with the vendors and picked about an average of what they charged locally. She stated that she really did not anticipate that they would ever have anybody very often pay them that, but they just have to get to a point to cross a threshold so the State will let them dispose of the vehicle and send it off to be crushed. It was so that they could keep them out of their lot; it was not that she had a vision of starting a business there and keeping cars. They were just trying to meet the legal requirements.

Mayor Price noted that a valid question had been brought up that perhaps, personally he was a believer in this, the City is way past due cleaning these cars up, and it was not being done, by a large degree by the private vendor, and if it was going to be done, then it would be done.

Mayor Price added that a valid point had been raised about dollars and cents. Eight people have to make their minds up, what they think is a wise and reasonable decision for everybody and he certainly would be in favor of tabling it to make sure that everybody understands what the information is to have some perhaps some charges of what local vendors are charging, but he wanted to say on his part, he wanted to commend the department for doing this and for taking the time to do this. This community is too precious a place and too beautiful of a place to be loaded up with junk cars and she was to be commended and he wanted to say thank you personally for that.

Council Member Myott asked how long were they going to keep the vehicles there before they are crushed, will there be a time limit.

Ms. Stultz replied, yes, the State sets a time limit that the city has to have, and one thing to remember, if Council Member Gover had a junk yard and he had a tow truck, and they hired Council Member Gover to tow the vehicles to his yard, then the city would be who engaged him to take the vehicle and take it to his place of business. We would owe him the daily fee but in order to cross the brink of where they have to get to before the state will let them declare the thing junk and we can have it crushed and hauled away, the city will have to establish fees. What they asked to do was similar to what they do with nuisances. If she were to hire Council Member Tuggle to go out and mow a yard that they sent a nuisance regulation, Council Member Tuggle would charge the, for example, \$100.00. When they were establishing the fees years ago, they learned that if the city charged no more than the vendor would charge the person, they would just let them do it and pay when they could. So they added an administrative fee which was exactly what they were asking to do here. If a local tow truck guy (and they were using a rotated list) picks a car up, what they charge us we put down that we are owed that plus the \$50.00 which is the staff time to handle it. In order to dispose of these vehicles it's a process that she went through at local governments where she had worked and they had about 80 cars sitting at public works when she first came to work and we disposed of those. It's a little bit lengthy process but it's a process you go through with the state and you

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file the paper and it was done by staff then, she did it. Mr. Nooe, former City Attorney, advised her at the beginning and we got the process set up but it wasn't something that Mr. Nooe did and they don't anticipate that it would be something Mr. Medlin would do. It would be done by her staff in her office, they just have to file the paperwork and then they clear you to dispose of it and they will get somebody to haul it off to be crushed.

Council Member Myott stated what she really wanted to know was, it was going to be quicker than the wrecking people who keep putting them on their lot and leaving them there for months and months and months

Ms. Stultz replied, yes, and the Council will have a really distinct ability to force her to move along to get them gone. They do not have any control to insist that they move on out of practice private businesses, and so this way, in her opinion, gives the Council much more control over where they go, how long they stay, and how well it's working. And, it is much less costly to the city because all they would pay out, upfront, out of the line item that you give us to do local code enforcement, is the towing fee and then the rest of that, the Council has established, if it sits on the lot then somebody has to pay the city "x" number of dollars to get it back that's also a disincentive for them not to care for it themselves.

Mayor Price asked Ms. Stultz if she would be paying the \$50.00 to the tow operator.

Ms. Stultz replied, no sir, they were going to pay whatever the tow truck operator asked them, like if it is a Honda Civic, it is going to be cheaper if it is on a flat ground than some sort of big truck. The \$50.00 is the administrative fee that we will add on to whatever the tow truck operator charges the city.

Council Member Gover replied that was why he asked for this item to be tabled, there were a lot of questions.

Mayor Price asked, so the \$50.00 is for an administrative fee and the person would be paying a tow fee in addition to that. Then basically the daily charge would be to accommodate charges for, administrative charges, and crushing as well.

Ms. Stultz added that it was also to get them beyond the point where they are owed enough money that the State will let them crush the car. She added that the Council can decide to just not have a daily storage, if they choose. It was just part of the things they promised they would come back to the Council when they established their lot. It was another one of those things that are a complete policy. The City will not be making any money very often. They have had one person in the length of time that they have been picking up cars that wanted to get their car back. And, because the Council has not approved an administrative fee, they had to let him do it for the fee that the tow truck driver charged to recoup the city's money. That does not help recoup the City's staff time.

Council Member Epps stated that Ms. Stultz said in talking about tabling this item and getting more information, already said in her statement that she had gotten with different tow people and come up with this figure herself.

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Ms. Stultz replied they had, but they would be happy to provide the research they did to the Council to make sure everyone was comfortable.

Council Member Epps stated that he was concerned that this has been drug along for four years and now we finally have something going, and they should not give the people the idea of thinking the City would drop it.

Council Member Gover stated that he thought every important situation like this needs a little more study. The first week is \$290.00 and then they will have to hire a lawyer to go take a lien or take judgment. The Council needs to know all of those things down the road and that was his motion...

Action on the motion: Those voting in favor of the motion were Council Members: Tuggle, Gover, Nooe, and Vestal. Those voting in opposition were Council Members: Epps, Myott and Turner. The motion carried.

Mayor Price told Ms. Stultz that at the next (regular) meeting of the City Council, the Council would like to see the statement of charges and some rationale behind the charges. They need to put this issue up so that everyone has a clear understanding of the charges, and if there is a concern about the amount then they could negotiate among Council Members at that time and get this thing straightened out. This is a very important issue for this community and he commended Ms. Stultz.

Council Member Vestal added that he would like to see, along with the local, if she has any like size cities that are doing this, he would like to see some figures on those, also, and not just the local people.

(e) Consideration of a Pawnbrokers Application. (*Diana M. Hodge- applicant*)

A motion was made by Council Member Tuggle seconded by Council Member Gover for approval. All Council Members voted in favor of this motion.

(f) Consideration of North Carolina Governor's Highway Safety Program, Local Government Resolution (Grant Application).

Attached is the Local Government Resolution for a grant request from the North Carolina Governor's Highway Safety Program. The resolution requests that the local government provide a match of \$ 4652.00 in order to receive a federal match of \$ 5766.00 The grant is to provide needed equipment for the Eden Police Department. The funds were allocated in the present budget.

North Carolina Governor's Highway Safety Program
LOCAL GOVERNMENTAL RESOLUTION
Form GHSP-O6-A

WHEREAS, The City of Eden Police Department (The Applicant Agency) (herein called the "Agency") has completed an application contract for traffic safety funding; and that The City of Eden Council (The Governing Body of the Agency) (herein called the "Governing Body") has thoroughly considered the problem identified and has reviewed the project as described in the contract;

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THEREFORE, NOW BE IT RESOLVED BY THE City of Eden Council (Governing Body) IN OPEN MEETING ASSEMBLED IN THE CITY OF Eden, NORTH CAROLINA, THIS 16th DAY OF 2005, As FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Captain Daniel E. Gillespie is authorized to file, on behalf of the Governing Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$5766 to be made to the Governing Body to assist in defraying the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$4652 as required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by Philip K. Price, Mayor.

ATTESTED BY Kim J. Scott, City Clerk SEAL

August 16, 2005

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

CONSENT AGENDA:

- (a) Approval and adoption of minutes: July 19, 2005
- (b) Approval and adoption of City of Eden Dress Code/Grooming Policy and Fraternalization Policy. *(Pulled for further discussion and voted on separately)*
- (c) Approval and adoption of a motion to hold a Public Hearing on a room occupancy' tax at a special meeting of the Eden City Council scheduled for August 30th at 4:00 p.m.
- (d) Consideration of Budget Amendments No.2.

<u>Budget Amendment #2</u>	<u>Account#</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
General Fund				
Revenue				
Police Grant	<u>10-3431-87000</u>	\$ _____ -	<u>\$1,250.00</u>	<u>\$1,250.00</u>
Fire Grant	<u>10-3434-42000</u>	\$ _____ -	<u>\$1,250.00</u>	<u>\$1,250.00</u>
General Fund				
Expenditures				

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Police C/O Equip	<u>\$9,800.00</u>	<u>\$11,050.00</u>	<u>\$1,250.00</u>
Non-Deprec.			
Fire Training	<u>\$3,000.00</u>	<u>\$4,250.00</u>	<u>\$1,250.00</u>
			<u>\$2,500.00</u>

Grant money received from the Wal-Mart Foundation

Adopted and effective this 16th day of August, 2005.

Attest:

Kim J. Scott, City Clerk

Philip K. Price, Mayor

A motion was made by Council Member Tuggle seconded by Council Member Nooe for approve Consent Agenda items (a), (c) and (d). All Council Members voted in favor of this motion. The motion carried.

(b) Approval and adoption of City of Eden Dress Code/Grooming Policy and Fraternalization Policy.

Council Member Vestal stated he would like to see these two policies, since they are separate entities, voted on individually rather than a combination. He would like a vote on the Dress Code Policy and a separate vote on the Fraternalization Policy.

Council Member Vestal referred the Council to Page 2 of the dress code policy, under appropriate dress for women, “a brassiere must be worn at all times” he asked Mr. Corcoran if the city would make any medical exceptions, for instance, if some women have some medical problems and may not be able to do this, as there was nothing in this policy that addressed that (medical exceptions).

Mr. Corcoran stated that at the end, basically, the “catch all” is at the end when it says if questions arise as to the interpretation that would be between the City Manager and the Department Head. He stated he would certainly think if they had something from a doctor, the department head and he...that would not be a problem.

Mr. Vestal referred the Council to Page 3, “While employees have a variety of hair styles and colors, extreme styles...” He stated he did not have much hair, but if he shaved what he had, one may consider that extreme. He stated he know that he and the department head... he had a problem with the interpretation. He asked if the recourse would be coming straight to him, City Manager.

Mr. Corcoran replied that actually it would go to the department head and the department head would come to him. He added that anything that he saw common place out in the society was acceptable. If someone were to come in tomorrow and had it shaved in a shape and all sorts of different colors, that would be a little different. He added the common theme that dictates throughout this (policy) is common sense.

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Council Member Vestal added he agreed, but when they have that terminology, that was where his problem starts, just like the next sentence, “heavy use of cologne or perfumes is not acceptable” adding he liked to smell some colognes better than he did some others.

Mr. Corcoran replied that was a subjective thing. Again, on some of those, it was very hard to define. He stated he thought that they had all been around people at one time or the other that maybe had a little more than what we would like. A little more is one thing, but if someone were using a bottle a week, and it was disrupting people to the point they can’t work...

Council Member Vestal added that was the terminology he was looking for, and it is not in there, it is in the discretion or something...

Council Member Epps added that his wife became very ill from some perfumes and would have to go to the hospital. Some people are very allergic to some types of perfumes because they are very strong.

Council Member Vestal also mentioned, “body piercing (other than the ear) is unacceptable” and stated he had seen some had studs all the way around their ears and asked if that would be allowed.

Mr. Corcoran stated his personal opinion, if someone wants to have a bunch of holes in their ears, that is their prerogative, but we do not have to let them wear 15 earrings in that ear while they are working.

Council Member Vestal stated that was what he wanted, for the City employees to know what is actually taking place on this.

Mr. Corcoran stated that a lot of men wear an earring or women wear double earrings, that is fine, but if he showed up tomorrow with them coming down the course of his ear, he would interpret that as a no, no.

Council Member Gover noted that some have a lot of safety paraphernalia around the face and those things would interfere with the safety mask, goggles, etc.

Council Member Vestal stated he was just questioning some of the terminology and it needs to be explained more fully. He added he knew this was rushed through and he just wanted to clear up some of this.

Mayor Price stated he had a problem with the dress down Friday or dress down Thursday being part of the city statute. He stated he thought that was something that should be left up to the City Manager to make a decision...

Council Member Vestal stated he agreed with that...

Council Member Epps stated that basically all of this would revolve around the City Manager and department heads anyway.

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Mayor Price stated it would revolve around them, but they were coming to the Council for some guidance. He stated it may come back sometime, but he thought the Council should give them, as managers, some outline of what the community expects out of their employees. There may be a manager, and the Council may have one now, that decides they do not want a dress down Friday.

Council Member Myott replied that this policy can be amended. She added that as of now, she saw nothing wrong with the dress down day.

Mayor Price stated he had some concerns, personally about it, but regardless of his concerns, he did not think it should be part of the city statute...

Council Member Vestal stated that the City Manager (Mr. Corcoran) has allowed dress down day since he came here.

Mr. Corcoran replied that it was actually here before he came. He recalled his first Friday and he wore a suit and realized that everyone else was in jeans.

Council Member Vestal stated that Mr. Corcoran had allowed it since he came to Eden and he agreed with Mayor Price that it should be up to the City Manager, if he wants more professionalism, then it should be up to him and not in the policy.

Mr. Corcoran noted that it has been there for the five years that he has been in Eden and he guessed it would continue unless the Council has a problem with that. He noted that it was added to the policy because that does deal with dress code, but it simply could go either way; however the Council would prefer. He added that the big thing above way, some of the things raised, it says "the standard shall be in a manner that is normally accepted in similar public and private work environments" adding, he thought it would be very difficult to define exactly what is too much cologne or what is an improper hair style and so that is why the language "normally accepted". Something with this, you have two people that have to give an interpretation, and he thought if they had a situation where they were not making any interpretations where they should be made, it certainly could come back. He stated that some of this was just hard to define, just what is too much cologne.

Council Member Tuggle asked Mr. Corcoran if he had the final say so to which Mr. Corcoran replied that any interpretation would be the department head and the City Manager so there are two people involved.

Council Member Tuggle asked if came down to it and the City Manager and the department head disagrees, he asked if the City Manager would be the one to make the final decision to which Mr. Corcoran replied, correct.

Council Member Vestal asked Mr. Corcoran for his recommendation on the dress down day, would he rather have it in the policy or out of the policy.

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Mr. Corcoran replied it was whatever the Council preferred. As long as the Council has no problem with it, it has been going on for years, and they would continue it whether it is in the (policy) or not. The one thing, by having it in there, it does specifically define what is allowed on that dress down day in terms of denim jeans, coveralls/overalls, athletic shoes. It does provide some definition as to what would be acceptable on that day.

Council Member Vestal asked Mr. Corcoran if his recommendation would be to leave it in, to which Mr. Corcoran replied, right.

Mayor Price stated, suppose there is a manager that comes in and says they do not want to have a dress down day.

Mr. Corcoran replied he would think that they would bring an amendment to the Council and recommend that it be changed. He asked Mr. Corcoran if his recommendation was to keep it in.

Mr. Corcoran stated he has been here for almost five years and no one has ever mentioned a problem with the dress down day so he did not know that to be a problem. He certainly would not recommend changing it at this point..

Council Member Epps added that with the dress down day in the policy, there were guidelines.

Council Member Turner replied that she had seldom, if ever, seen any of the employees dressed inappropriately. She thought they had been very professional especially in this building (City Hall), and she would like to give them credit for knowing what professional dress is most of the time. She stated that this (policy) defines everything for everybody. She added that she thought there had been some hurt feelings over this and she was very sorry if that is the case, but she thought most of the time they had a very professional staff out on the street, they had been out on her street this week and she had not seen anyone with the wrong safety gear on or inappropriate dress. She stated she would like to thank the employees for being as professional as they have been in the past.

Council Member Epps added that he had seen employees out digging a ditch the other day, it was 100 degrees and they still had their shirt (uniform) tucked in neatly. He was pleased to see them working that hard and staying neatly dressed,

Dress Code Policy:

A motion was made by Council Member Gover seconded by Council Member Vestal to approve the dress code policy as presented in writing. Action on the motion was as follows: Those voting in favor of this motion were Council Members: Epps, Tuggle, Gover, Nooe, Myott and Vestal. Voting in opposition was Council Member Turner. The motion carried.

Fraternization Policy:

August 16, 2005

City of Eden, N. C.

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A motion was made by Council Member Council Member Epps seconded by Council Member Myott to approve the Fraternalization Policy. Action on the motion was as follows: Those voting in favor of the motion were Council Members: Epps, Turner, Gover, Nooe, Myott and Vestal. Voting in opposition was Council Member Tuggle. The motion carried.

VOUCHERS:

There was no discussion about vouchers.

ADJOURNMENT:

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

Respectfully submitted,

Kim J. Scott
City Clerk

ATTEST:

Philip K. Price,
Mayor