

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, February 15, 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:	(absent)	Christine H. Myott
Council Members:		Donna Turner
		Billy Vestal
		Jerry Epps
		C.H. Gover, Sr.
		Bruce Nooe
		Wayne Tuggle, Sr.
City Manager:	(absent)	Brad Corcoran
City Clerk:		Kim J. Scott
Deputy City Clerk:		Sheralene Thompson
City Attorney:		Tom Medlin
Representatives from Departments:		
Representatives from News Media:		Lisa Doss, <u>Eden's Own</u> , Brian Ewing, <u>Eden Daily News</u>

MEETING CONVENED:

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

INVOCATION:

Pastor Todd Millsap, Spray Baptist Church, was present to give the invocation.

PROCLAMATION:

Mayor Price asked that Mrs. Jean Harrington, representative of the local chapter of the DAR come forward in honor and recognition of American History Month. He then read the following proclamation:

AMERICAN HISTORY MONTH PROCLAMATION

Whereas: The National Society Daughters of the American Revolution Sponsor February as American History Month each year and;

Whereas: The backbone of this great nation of America is its history, upon which all of our accomplishments are based and;

Whereas: American History must be preserved and remembered by all, young and old; and;

Whereas: The importance of remembering American History should be stressed through such valuable community services as educational programs, essay contests and historic tours; and

Whereas: The importance of remembering American History Month should be duly noted,

NOW, THEREFORE, I, hereby proclaim the month of February, 2005 to be

AMERICAN HISTORY MONTH

and urge all Eden residents to join with me this month in recognizing the importance of American History in our lives.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 15th day of February, 2005.

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

ATTEST:
s/Kim J. Scott

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Kim J. Scott

Mrs. Harrington accepted the proclamation and noted that they were very proud of their essay contest. She stated that they had a state winner of the DAR essay contest last year and they just found out that they also had another winner this year, which was very unusual.

RECOGNITION:

Mayor Price asked Mr. Mike Dougherty, Business Development Director and Ms. Joy Toms, chairman of the Main Street Program, to come forward to recognize Ms. Debbie Galloway, City Planner, for receiving the 2004 Main Street Champion Award.

RECOGNITION:

Mayor Price asked Parks and Recreation Director, Joey Conner and his wife Bev, to come forward in recognition of Mr. Conner's upcoming retirement. Mayor Price noted that Mr. Conner was a fine man and an excellent public servant who was committed to the city.

ADDITIONS OR DELETIONS TO MINUTES:

Mayor Price asked that Consideration of Discussion of help for Rockingham County's Homeless to New Business (item 8c).

A motion was made by Council Member Epps seconded by Council Member Tuggle to add this to the agenda. All Council Members present voted in favor of this motion. This motion carried.

Mayor Price noted that the public hearing (item 4a) was to be deleted.

A motion was made by Council Member Gover seconded by Council Member Turner to delete this agenda item. All Council Members present voted in favor of this motion. This motion carried.

Council Member Gover stated that he would like to add dumpster discussion to the agenda.

A motion was made by Council Member Gover seconded by Council Member Nooe to add Dumpster Discussion to New Business (item 8d). All Council Members present voted in favor of this motion. This motion carried.

PUBLIC HEARINGS:

(a) Consideration of a zoning map amendment request to rezone property on N. Van Buren Road from Office and Institutional to Business-Highway #1. Request submitted by Shane and Abby Hensley.

At the regular meeting on November 16, the Council scheduled this public hearing to hear comments regarding a zoning map amendment request filed by Shane and Abby Hensley. The request was to rezone property on N. Van Buren Road from Office & Industrial to Business Highway #1.

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

This item was pulled from the agenda.

MONTHLY FINANCIAL REPORT:

A motion was made by Council Member Tuggle seconded by Council Member Gover to accept the Financial Report. All Council Members present voted in favor of this motion. This motion carried.

REQUESTS AND PETITIONS OF CITIZENS:

No one came forward to speak.

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UNFINISHED BUSINESS:

(a) Consideration of Certificate of Sufficiency of Petition for Annexation of Property on New Street (MGM Property). Call for Public hearing at March regular meeting.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON
QUESTIONS OF ANNEXATION PURSUANT TO G.S. 160A-31

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Eden City Council directed the City Clerk to investigate the sufficiency of the petition at their meeting on January 18, 2005; and

WHEREAS, certification by the City Clerk of the City of Eden as to the sufficiency has been made; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Eden, North Carolina that;

Section 1. A public hearing on the question of annexation of the area described herein will be held at Eden City Hall in the City Council Chambers at 7:30 pm on March 15, 2005.

Section 2. The area proposed for annexation is described as follows:

Legal Description

That certain piece, parcel, or tract of land, lying and being in the City of Eden, Leaksville Township, Rockingham County, North Carolina, and being more particularly described as follows:

BEGINNING at an existing rebar in the eastern boundary line of the property of TBMA Properties, LLC, a North Carolina, limited liability company, now or formerly, as described in instrument recorded in Deed Book 1206. Page 1487, in the Rockingham County Registry (the TBMA Property") at the southwestern corner of the terminus of New Street, a fifty (50) foot private right-of way: running thence along and with the southern terminus of New Street the following two (2) courses and distances: (i) South 89 degree 21' 40" East 25.03 feet to a point and (ii) South 89 degree 21' 40" East 25 .00 feet to a railroad spike in the southern corner terminus of New Street and in the western boundary line of the property of Hopkins, LLC, either now or formerly, as described in instrument recorded in Deed Book 1030. Page 673, in the Rockingham County Registry (the "Hopkins Property"); thence along and with a southern boundary line of the Hopkins Property North 89 degree 56' 36", East 655.86 feet to an existing rebar in a western boundary line of the Hopkins Property; thence along and with a western boundary line of the Hopkins Property the following six (6) courses and distances: (i) South 00 degree 21' 54" West 1084.91 feet to an existing rebar; (ii) South 04 degree 23' 36" West 235.21 feet to an existing rebar. (iii) South 04 degree 12' 16" West 277 .03 feet to an existing rebar, (iv) South 04 degree 12' 16" West 397.73 feet to an existing rebar; (v) South 59 degree 31' 00" East 209.38 feet to an existing rebar; (vi) South 04 degree 27' 13" East passing through an existing rebar at 733.24 feet a total distance of 756.25 feet to a point in the southwestern corner of the Hopkins Property on the northern bank of the Dan River; thence along and with the northern bank of the Dan River the following five (5) courses and distances: (i) North 78 degree 30' 09" West 105.40 feet to a point; (ii) North 78 degree 47' 01" West 286.17 feet to a point; (iii) South 88 degree 48' 59" West 272.74 feet to a point. (iv) North 89 degree 29' 49" West 283.04 feet to a point; and (v) North 88 degree 59' 06" West 274.17 feet to a point in the southeastern corner of the Hopkins Property; thence along and with the eastern boundary line of the Hopkins Property the following five (5) courses and distances: (i) North 06 degree 34' 27" East passing through an existing iron pin 43.34 feet a total distance of 830.09 feet to an existing iron pin (ii) North 10 degree 08' 04" West 367.10 feet to an existing rebar, (iii) North 10 degree 08' 04" West 380.27 feet to an existing iron pin, (iv) North 42 degree 53' 25" West 518.36 feet to an existing iron pin and (v) N 00 degree 26' 01" East 798.22 feet to an existing rebar in the southern boundary line of the TBMA Property; thence along and with the southern boundary line of the TBMA Property South 89 degree 27' 16" East 727.57 feet to a rebar in the southeastern corner of the TBMA Property; thence along and with the eastern boundary line of the TBMA Property North 01 degree 01' 15" East 42.68 feet to the point and place of BEGINNING, containing 75.60 acres more or less, as shown on that certain survey prepared by C.E. Robertson Associates, dated October 2, 2004.

Section 3. Notice of the public hearing shall be published in The Daily News, a newspaper having general circulation in the City of Eden, at least ten (10) days prior to the date of the public hearing.

This the 15th day of February, 2005.

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

ATTEST:
s/Kim J. Scott

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Kim J. Scott

Mayor Price explained that this would be to call for a public hearing at the March regular meeting.

Mr. Tom Medlin, City Attorney, added that the action would be just a vote to call for the public hearing.

A motion was made by Council Member Epps seconded by Council Member Gover to call for the public hearing to be held at the regular March meeting. All Council Members present voted in favor of this motion. This motion carried.

NEW BUSINESS:

(a) Discussion of Nuisance Abatement Ordinance.

Mayor Price explained that both he and Council Member Nooe had some concerns about this item.

Council Member Nooe stated that his concerns were about some articles in the newspaper and he had talked with Mrs. Stultz about it.

Mrs. Kelly Stultz, Director of Planning and Inspections, explained that the property owner signed paperwork to have portions of the property burned and discuss plans for the rest.

Mayor Price questioned if they had enough on the books to handle things like this.

Mrs. Stultz explained that this was actually a different kind of issue than what they normally saw. There were two kinds of nuisances and one involved public nuisances that they talked about a lot and the other kind had to do with the Police Department. Initially the nuisance portion of this was started by the Police Department, but the property owner came to her about having the structure burned.

Mayor Price stated that they were aware of that but both Council Member Nooe and he were concerned that they did not have enough on the books or expressed the right way.

Mrs. Stultz replied that it was probably a better question for Mr. Medlin to answer but she understood that there was a statute that discussed that sort of nuisance.

Mayor Price asked Mr. Medlin if he had an opportunity to look at it.

Mr. Medlin replied that he was aware of the factual background. He did know that there was a criminal statute that the Police Department was under where they could move against an area deemed to be a hazard or where crimes were going on, but he had not read the city's statute, and maybe if they got with him and let him know what their concerns were he could take a look at that and get them an opinion on it.

Council Member Gover stated that his concern was that an employee could have that power to do this to a business without it coming to the enforcement authority. When he called the enforcement authority, she did not know anything about it. He pointed out that in the ordinance it stated that she had the authority and it must go through that. He questioned an employee having that kind of authority without it coming to the Council.

Mayor Price stated that was a good question and he suspected that Mr. Medlin would like to look into that as well.

Mr. Medlin stated that he had not read all of it but one thing he did know was that the property owner did have the right to appeal the decision of the inspector and if they did not take the steps to protect their rights then he believed it said that they would have the authority to proceed with enforcing the order of abatement, but if they appealed it, he believed that it did come before the full Council. He added that he had not pulled the statute to look at it but he believed that was the way it was written.

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Council Member Gover asked if he was misreading the ordinance in that their enforcement officer should have been involved.

Mrs. Stultz replied that she thought there were two kinds of nuisances and one was the kind that the Police Department would be involved in as far as that statute.

Mayor Price suggested that Mr. Medlin get the information together for them.

(b) Consideration of authorizing the City Attorney to proceed with legal action for collection of funds associated with abatement violations

The memorandum to Council indicated a list of properties that have an outstanding balance owed to the City for abatement of violations. Those properties were not eligible for the Small Claims process. The following were: 1414 South Avenue, 1291 South Avenue, 838 Holland Street, 206 Charlie Street, 101 Hollingsworth Street, 1120 Center Church Road.

Mayor Price asked Mrs. Stultz if she had any comments.

Mrs. Stultz explained that this was a part of their collections activity and those were particular files that they could not take to small claims court based on Mr. Medlin's advice.

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

Council Member Nooe noted that he knew there were no amounts on there. He asked what the break to where they could not take it to small claims.

Mrs. Stultz replied that there was a break of \$5,000 or less to where they could take to small claims court and there were also issues where the owner did not live in this county or it was an heir issue where there was no clear cut place to go when it was an estate, those kinds of things had to go before Mr. Medlin.

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

c. Consideration of Discussion of help for Rockingham County's Homeless.

Mayor Price asked Ms. LaRey Perry to come forward to speak on behalf of the Rockingham County homeless.

Ms. Perry, 415 Boone Road, explained that the Rockingham County Help for the Homeless had been in existence since 1999. What they were trying to do was to apply for an emergency shelter grant so that they could enhance their already existing transitional housing program. The emergency shelter grant would give funds to be able to hire employees. Currently they only had volunteers and they would have full-time employees to assist the people that they have in transitional housing to go to employment appointments or further housing. She explained that the aim of the federal government and the State of North Carolina was to end homelessness in North Carolina in ten years. They were trying to comply with that by establishing a larger transitional housing program that would accommodate more people and they could provide more services that would allow them to get out of homelessness and back in to the mainstream of society.

She explained that they have to have a form signed by the Mayor. They were just putting in an interest and the application would come later.

Mayor Price explained to the Council that this information had to be in by Thursday and he asked if there were any questions. He explained that he could not authorize the form without the Council's permission.

Council Member Gover asked if they were already established and they already had the home and was just applying for the grant.

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Ms. Perry replied that they were already established and they had three transitional units that were presently occupied and they were trying to expand that. It was a good program and they have had some people go through the transitional housing and go on to independent living. She noted that one of them had their own business going. She explained that they wanted to be able to hire full-time mentors, caseworkers, and people to drive the van to take people to appointments. She added that the emergency shelter grant also provided funds to keep people from being homeless, for instance if they were about to be foreclosed or behind on their rent, and it also helped with utilities. She added that they also received a grant from Annie Penn, so they also assist in taking people to doctor's appointment. She stated that they had done a lot just from various donations and some grants.

Council Member Gover questioned that this was a Rockingham County function and it had not just started in Eden, but it was ongoing to which Ms. Perry agreed that it was but it did start in Eden and it was a private non-profit.

Council Member Tuggle stated that he had stayed at the Room for the Inn last year and this year too. He stated that when he talked with some of the homeless people who were there, they had told him that there were anywhere from 100 to 200 people just in Eden. He asked if she had any idea of what kind of numbers they were talking about.

Ms. Perry replied that they did a point in time count, which was a one day count of how many people were homeless on one day. That was done on January 26 and there were 37 men, 36 women, and 47 children homeless on that day. She added that homeless did not necessarily mean back in the woods, under the bridge or in shelters, but it could be doubled up to where at any time they could be told they had to leave. She pointed out that people were living in cars, vans, sheds, or any place where people might live that was not considered habitable, they were considered homeless.

Council Member Tuggle asked how many full-time people they had.

Ms. Perry replied that she was full-time because she was retired and she could do it and she wanted to do it. Her husband also did it. She noted that Rockingham County for the homeless has a thrift store in the mall which he manages. She explained that they really did need to be able to hire people to work with the homeless in order to be able to get them back into the mainstream. They also needed administrative establishment so that they could go on for the continuing care grants that HUD gives out, but the emergency shelter grant was a start.

Council Member Tuggle thanked her for caring enough to do something to make a difference.

Ms. Perry explained that she was not ready to retire and she just wanted to be a volunteer and this was a good cause. She pointed out that they were all Christians and Christ said that "what you do unto the least of these you do for me" and that was what she wanted to do.

Mr. Medlin asked if the city would be involved in any way in the grant program itself other than supporting the project here.

Ms. Perry explained that she thought that this would go to the Rockingham County Help for the Homeless, but she would personally like for the city agencies to be involved in what they were doing because they wanted to be professional and they needed the help.

A motion was made by Council Member Tuggle and seconded by Council Member Epps to authorize the Mayor to endorse the emergency shelter grant form. All Council Members present voted in favor of this motion. This motion carried.

d. Discussion of Dumpsters.

Council Member Gover explained that they had asked for a study to be done on dumpsters a couple of months ago. He then presented some photographs to the Council that showed where the dumpsters were in relation to the homes and businesses. He requested that a study be made on the dumpsters to improve the location around these businesses so that they would not interfere with the residents. He explained that a couple of months ago they had requested a study to be done on dumpsters a couple of months ago and they had not heard anything. He pointed out that

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something needed to be done about dumpsters located at resident's next door. It was an eyesore and it was not looking after their residents.

Council Member Epps commented that at the apartment that he managed they had dumpsters within 20 feet of the apartments and it has a fence around it.

Mayor Price asked if there were any building codes...

Mrs. Stultz replied that currently their Land Use regulations did not have anything about the location of dumpsters in them. Ms. Galloway did two reports today for HUD and those would be coming to them soon and both of them comment about locating dumpsters. She also pointed out that the City Manager had developed a committee of folks to work on the solid waste ordinance and she would think they would consider putting something in their Land Use Regulations for new development and in their solid waste regulations to try and get out the issues that were currently on the ground.

Council Member Vestal stated that the solid waste issue was something that he brought up two months ago. In that ordinance that she was referring to the only stipulations that it says about dumpsters was on the premises and they could clearly see in one of those pictures there...to which Mrs. Stultz replied that most communities have them screened and often fenced. There were general regulations, but to date, she was not aware that they had anything all that artful in dealing with them.

She added that they had considered some of them in new development as accessory structures. There did need to be consideration for them in both the solid waste ordinance and their land use regulations.

Mayor Price asked if the study was ongoing now.

Mrs. Stultz replied yes and that they were working on a draft of a new solid waste ordinance to take to the Solid Waste Committee and if dumpsters were an issue they could include that. She added that they may want to initiate some sort of amendment to the zoning ordinance to deal with dumpsters in new development they could certainly do that.

Council Member Gover pointed out that if they left their trash can out, leaving it sitting by the side of the road over 24 hours they could be fined, but they could put a dumpster anywhere.

Council Member Vestal stated that he did not see why it was not included because that was the point of his request two months ago as there were no regulations on the dumpsters.

Mrs. Stultz replied that she was sure it was, but it was over the top of her head at the moment and she knew that there was nothing in the current ordinance.

Mayor Price asked if this would be ready for the March Solid Waste Committee to which Mrs. Stultz replied that they hoped so. Mayor Price asked what the hold up would be to which Mrs. Stultz replied nothing other than staff time and getting it past the City Manager. Obviously the zoning ordinance if initiated would take a little longer.

There was some discussion regarding the request being made in December and Council Member Vestal noted that the last two committee meetings had been canceled and he thought that was why it fell through the cracks.

Council Member Gover added that was why they had brought it up because they had been canceling all the meetings (Committees) and there had not been an appropriate time to bring it up.

A motion was made by Council Member Gover seconded by Council Member Nooe to initiate an amendment to the zoning ordinance for regulations and control of dumpsters.

Mayor Price asked Mrs. Stultz to explain to the Council what was to be done.

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Mrs. Stultz explained that they would first look at how other jurisdictions regulate them and it has to do with site planning. She noted that she did not want to say this was everything, but to do a site plan as far as set backs and screening and some jurisdictions even regulate access time but she was not sure they would want to go that far yet. She stated that they would bring to the Council what they see and then take it forward to the Planning Board and then it would go to the Planning and Economic Development Committee and then bring it back to the Council.

Council Member Vestal added that he still thought they needed to pursue the one in their ordinance because of the fact that would cover the ones already there.

Mrs. Stultz replied that was correct and it would be covered in both places.

Mayor Price noted that they would have that by the March meeting of the Solid Waste.

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

CONSENT AGENDA:

a. Approval and adoption of minutes – January 18, February 3, 2005.

b. Approval and adoption of FY 2005-06 Street Resurfacing Contract – Request to solicit bids.

The Engineering Department requested authorization to solicit bids for the FY 2005-06 Street Resurfacing Contract. The Public Works Committee has approved the proposed project and has endorsed the attached street resurfacing list. Once the bids are received and a responsive low bidder has been determined, a recommendation on award of the contract will be presented to Council for approval to ward.

c. Approval of Park Committee appointments.

In the past several months, Patrick Joyner and Ed Jones resigned from the Eden Park Committee leaving two vacancies. The Park Committee has worked extremely hard in filling these positions and would like to recommend Garry Tudor and Ruth Meeks fill these positions.

d. Approval and adoption of donation and naming policies – Freedom Park.

The Eden Parks, Recreation and Facility Maintenance Department and the Park Committee would like to recommend policies for Council's approval regarding donations and naming of facilities.

Council Member Vestal asked that they pull item (b) for discussion.

Mayor Price thanked the several members of the Park Committee for their work on the policy being considered under the Consent Agenda.

A motion was made by Council Member Tuggle seconded by Council Member Vestal to approve Consent Agenda items a,c, and d. All Council Members present voted in favor of this motion. This motion carried.

Council Member Vestal explained that on the first page of the item that was submitted to the Public Works Committee, he did not want the approval of this insinuate that they were going to approve a budget request of an additional \$100,000 out of the General Fund. That would come up in the budget discussions and they may or may not approve it.

Council Member Tuggle questioned why it was added.

Ms. Tammy Amos, Engineering Projects Manager and Supervisor, explained that this was just a request to solicit bids for their annual contract that they do every year. The confusion was the fact that she attached the memo that went before their Public Works Committee. She explained that she was trying to give a heads up on what they would be asking for this year. They had 180 some street sections right now that were 15 years or older and they needed to be resurfaced. The Powel Bill Fund Balance was very low. So, what they would be doing was to ask for \$100,000 out of the General Fund budget so that they could pick up a few extra streets this year, next year and possibly the year after to get back on the 15 year rotation. What was before them tonight

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was not asking them to approve the \$100,000, this was just to let the Committee know what was going on.

A motion was made by Council Member Vestal seconded by Council Member Gover to approve item b of the Consent Agenda. All Council Members present voted in favor of this motion. This motion carried.

VOUCHERS:

There was no discussion regarding the vouchers.

ADJOURNMENT:

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

Respectfully submitted,

Kim J. Scott
City Clerk

ATTEST:

Philip K. Price
Mayor