

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, January 18, 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
(absent)	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:	Robbie Doss, <u>Eden's Own</u> , Mike Moore, <u>WLOE</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:

Council Member Jerry Epps gave the invocation in the absence of Mr. Clyde Gwin, Pastor, First Baptist Church.

PROCLAMATION:

Mayor Price asked that the representatives of the NAACP come forward in honor and recognition of Dr. Martin Luther King, Jr. He then read the following proclamation:

**A PROCLAMATION DESIGNATING JANUARY 17th
IN HONOR OF DR. MARTIN LUTHER KING, JR.**

WHEREAS, forty-one years ago this past August, on the steps of the Lincoln Memorial, Dr. Martin Luther King spoke passionately of his dream for America. He dreamed of an America where all citizens would be judged by the content of their character and not by the color of their skin. He dreamed of an America where all would enjoy the riches of freedom and the security of justice. He dreamed of an America where the doors of opportunity would be open to all of God's children, and

WHEREAS, Dr. King's leadership moved Americans to examine our hearts, to reject what he called the "tranquilizing drug of gradualism" on the path to racial justice, and to live up to the ideals of our Constitution and Declaration of Independence. America has come far in realizing Dr. King's dream, but there is still work to be done. In remembering Dr. King's vision and life of service, we renew our commitment to guaranteeing the unalienable rights of life, liberty and the pursuit of happiness for all Americans, and

WHEREAS, Dr. Martin Luther King Jr., was tragically killed on April 4, 1968 in Memphis, Tennessee while leading sanitation workers in a protest against low wages and intolerable working conditions; and

WHEREAS, the King Holiday and Service Act of 1994, signed into a law by President Bill Clinton on August 23, 1994, designates the King Federal Holiday to be a day of national service and this year's observance will be held on Monday, January 17th, 2005, a day to be celebrated by the City of Eden employees; and

WHEREAS, on the Martin Luther King, Jr. Federal Holiday, our Nation honors an American who dedicated his life to the fundamental principles of freedom, opportunity, and equal justice for all. Today, all Americans benefit from Dr. King's work and his legacy of courage, dignity and moral clarity.

NOW, THEREFORE, BE IT PROCLAIMED that I, Philip K. Price, Mayor of the City of Eden, hereby designate JANUARY 17, 2005 be set aside as Dr. Martin Luther King, Jr. Day in the City of Eden and urge all citizens to join with me this day in recognizing the importance Dr. King has made toward peace, civil unity, and nonviolence in our lives.

Minutes of the regular January 18, 2005, meeting of the City Council, City of Eden, continued:

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 17th day of January, 2005.

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

ATTEST:
s/Kim J. Scott
Kim J. Scott

ADDITIONS OR DELETIONS TO MINUTES:

Mayor Price asked if there were any items that that needed to be added to or deleted from the agenda. As no one noted any items the agenda was set.

PUBLIC HEARINGS:

(a) Further consideration of an amendment and ordinance to amend Chapter 6, Article II, and Sec. 6-37 (1) of the Eden City Code pertaining to nuisances.

At their meeting in October 2004, the Council held this public hearing to hear comments on an amendment to Chapter 6, Article II, Section 6-37 (1) of the Eden City Code to modify a section dealing with conditions constituting a public nuisance. The Council tabled this request so the Planning and Economic Development Committee and City Attorney could review this amendment. This has been done and the request is being returned to the City Council for consideration.

The Planning and Inspections Department recommended approval of the amendment request. At their September 2004 regular meeting, the Planning Board voted to recommend that the City Council approve this request.

Mayor Price called for a public hearing and asked Mrs. Kelly Stultz, Director of Planning and Inspections, to come forward with a report.

Mrs. Stultz explained that at their meeting in October 2004, they had begun discussion of this as an issue, actually discussion of a nuisance provisions and potential changes of them had been going on for some time. She stated that she thought, as a staff and as a City Council, they have tried to get them more in keeping with what the community standard really seemed to be. One of the things they knew about the ordinance they had was that it was unclear as to whether how much of a lot could be mowed due to some provisions about twenty-five (25) feet back and that sort of thing.

Once they got into the meeting in October, the City Council had some questions and it had not gone to the Planning and Economic Development Committee for review. Since that time they had done that and made some changes to the wording and at this point the committee recommended that it be reported to the Council and staff certainly supported it.

She explained that the first paragraph of letter (a) in the nuisance provisions remained the same. Then they added a sentence that said "except that on any developed parcel of land, smaller than 2 acres, the vegetation shall be kept to a maximum of 12 inches on the entire parcel."

Mayor Price asked if there were any questions and noted that it was written very well.

He noted that no one was present to speak for or against this issue.

Mr. Tom Medlin, the City's Attorney, noted that the Council had before them a proposed ordinance and that if they adopted this after the public hearing, actually the two paragraphs were just merged together and the wording was basically the same.

Mayor Price declared the public hearing closed and asked for the decision.

A motion was made by Council Member Epps seconded by Council Member Tuggle to approve this request and adopt the ordinance to amend Chapter 6, Article II, Sec. 6-37(1). All Council Members present voted in favor of this motion. This motion carried.

(b) Further consideration of an amendment and ordinance to amend Chapter 13, Article I,

Minutes of the regular January 18, 2005, meeting of the City Council, City of Eden, continued:

19

Section 13-1 of the Eden City Code to permit benches, flower pots and other such items on sidewalks in the downtown areas.

At their meeting in October, 2004, the Council held this public hearing to hear comments on an amendment to Chapter 13, Article I, Section 13-1 of the Eden City Code to modify a section dealing with objects permitted on public sidewalks. The Council tabled this request so the Planning and Economic Development Committee and City Attorney could review this amendment. This has been done and the request is being returned to the City Council for consideration.

The Planning and Inspections Department recommended approval of the amendment request. At their September 2004 regular meeting, the Planning Board voted to recommend that the City Council approve this request.

Mayor Price called for a public hearing and asked Mrs. Stultz to come forward for her report.

Mrs. Stultz explained that after some further review by the City Attorney, to make sure the provisions and enforcement issues were nailed down; it was before the Council for their review. She noted that the Planning and Economic Development Committee suggested that it be brought to the Council and they supported it. She stated that earlier that day, Council Member Vestal had spoken to the City Manager regarding concerns about some provisions that speak to the property owner being the ultimate responsible party should a tenant move off and leave some flowers and benches and the city has to order them moved, and they did not get moved, and the city would then have to step in and do that. She stated that she had talked with the City Attorney and she could not think of a way to preserve the city's interest to make sure that some responsible person was responsible to the city, should she find herself in that position.

She did note that in the ordinance it did say that before any application could be made by a tenant that the property owner had to sign the application, to make sure that the property owner was aware that it was happening, ahead of time, and that they could help the city police it.

Mayor Price stated that no one was present who wanted to speak for or against the issue. He then declared the public hearing closed.

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

Mr. Medlin pointed out that he did not have a proposed ordinance before them. He explained that they could go ahead and take action and he would bring the ordinance later.

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

MONTHLY FINANCIAL REPORT:

Council Member Tuggle commented that he really appreciated the City Manager and the Finance Department and what they have had to do under the circumstances.

A motion was made by Council Member Myott seconded by Council Member Gover to approve the Finance Report. All Council Members present voted in favor of this motion. This motion carried.

REQUESTS AND PETITIONS OF CITIZENS:

Mr. Roger Hodge addressed Council:

Mr. Roger Hodge, 625 Fisher Street, explained that the storm drains did not work. The water was washing his land and his house away. He noted it had been going on for about two and a half years. He then presented the Council with photographs. He explained that there was a manhole there where the water runs in but the pipe did not go anywhere, it just opened up and ran right through his land.

Mayor Price asked Mr. Hodge what he would like to see done.

Mr. Hodge replied that he would like for the city to put in curbing or guttering to stop the water.

Minutes of the regular January 18, 2005, meeting of the City Council, City of Eden, continued:

20

Mayor Price asked if he bought an existing house there to which Mr. Hodge replied that he had and it was about 5 or 6 years ago. Mayor Price noted that this was below Victor Street and in an area near the creek.

Mr. Hodge stated that he had had to place concrete around the foundation of his house because the water runs out of that pipe and washes the foundation.

Mayor Price asked if he had moved into the house to which Mr. Hodge replied he had moved there about two weeks ago. Mayor Price then asked Mr. Hodge to get in touch with the City Manager the following day.

Ms. Joy Toms addressed the Council:

Ms. Joy Toms, 622 East Stadium Drive, explained that she was the chairperson of the Main Street Advisory Board. She stated that she wanted to update the Council on how things were going and especially the Façade grant program. She explained that at this time they had awarded five (5) grants. The first four were in the Leaksville area, Piedmont Surfaces had already completed their project, as well as Tiger Tek, and two of the other buildings in the Leaksville area (Picture This and Neal's Cab) would both be completing their project in the next few months. She noted that in the Draper area they have awarded a grant to Granny's Antiques which would be completed in the next few months. They were extending their deadline for the Boulevard and Draper areas until February 1st, in hopes of getting more applications in those areas.

She also noted that next week four members of the Main Street Board would be traveling to the State Main Street Association conference and they would hope to bring back from there some knowledge that they continue to use to better the city.

Council Member Tuggle asked how many people were interested in pulling the shelters down in the downtown Leaksville area.

Ms. Toms replied that according to Ms. Peggy Good, there were a good number of people there that were willing to do that. Currently there was not 100% but there was a lot of interest. Ms. Good was going to do more research as there concerns about cost and about the effect of taking down the awnings would have on their buildings.

UNFINISHED BUSINESS:

(a) Planning Organization Appointments and Reappointments.

Board of Adjustment:

Ward 5 – Charles Johnson

ETJ – Sam Gilbert

Community Appearance:

Ward 5 – Marie Dean

Historic Preservation:

Ward 2 – Jean Harrington

Planning Board:

Ward 5 – Pat Roland

Ward 3 – Angie Hampton

Tree Board:

Ward 5 – Max Kirks

ETJ – Jane Lloyd

A motion was made by Council Member Tuggle seconded by Council Member Epps to approve the appointments to the Planning Organization Committees. All Council Members present voted in favor of this motion. This motion carried.

Minutes of the regular January 18, 2005, meeting of the City Council, City of Eden, continued:

21

It was also noted that Ward 2 had an appointment for Board of Adjustment, Mr. Franklin Galloway.

A motion was made by Council Member Nooe seconded by Council Member Tuggle to approve the appointment of Mr. Franklin Galloway to the Board of Adjustment. All Council Members present voted in favor of this motion. This motion carried.

b. Further consideration of progress of a building located at 401/403 Morgan Road.

The Council considered this request at the regular October 2004 meeting. After the discussion, the Council tabled this request until the January 2005 meeting. Four permits have been issued for the bathroom in the proposed residence. As of today, the city has only made six (6) inspections. The project was not cleared for occupancy as of today.

Mrs. Stultz explained that the Council had discussed this item earlier and at that time they gave Mr. Porter a period of time, up until this evening, to make corrections. He had established for them that he intended to make this building a residence.

She continued with a slide presentation and noted that the pictures were taken on January 6th, and Mr. Bob Vincent, a city inspector, had been out there and had not seen any changes, however they did issue a permit today for a stairwell. She noted that the bathroom that was required had only been roughed in and there was no plumbing at all. She also noted that the building was basically being used for storage.

She explained that she assumed that they had all received a letter or memorandum from Mr. Porter and she then shared that it was of Mr. Vincent's opinion that this building was not ready to be a residence and it was no where close to being able to get a certificate of occupancy. She stated that in Mr. Porter's letter, he mentioned issues with a heating system and in order for anything to be considered a residence and approved for living quarters, it has to have an adequate heating system. She noted that there was an ancient gas heating system that was used in commercial structures years ago and Mr. Vincent indicated that it was in such a shape that there was no way it could be reconnected and also those units were not allowed in a residence.

Council Member Gover questioned the time frame of the extension.

Mrs. Stultz replied that the Council gave Mr. Porter until this evening and that at this point it would be the Council's decision; however he was certainly not in compliance.

Council Member Tuggle stated that he had been there three times and he thought he had come a long way. It was probably not in compliance but he wanted to say that on his behalf.

Mr. John Porter, Mr. Joe Porter's brother, expressed that they did believe they had come a long way with this project and it had a long way to go. They had contracts on the plumbing, electrical and the carpentry and as was indicated in the January 12th memo from his brother, they did haul away three (3) thirty cubic foot dumpsters of debris. He noted that the electrical was the least complete of the three. They met with the electrician today and he indicated that it was about 50% complete. The bathroom was virtually complete in terms of electrical. The carpenter had been there throughout the day and had completed the stairway down to the basement. The plumbing was about 90% complete; everything had been done, except for installing the sink and commode. He explained that the reason for that was they were waiting to finish the sheetrock.

He stated that as described in his brother's memo, the project did require a vision and that was to make it a sort of city apartment type of a residence. It was not going to be a typical suburban residence, but it would be an asset to the community. It would be a very suitable residence for a single person. He noted that his brother did intend to live there, but at the present time he was the primary caregiver to their 87 year old mother who had dementia. He explained that his brother was not able to put the time into this project that he would have liked, but he had done the best he could. He added that he would have also loved to have been up here working on it, but he had begun a job in the Myrtle Beach area. He stated that he had been there to support him and to help him finance it.

Mr. Porter explained that they would like some relief from the ordinance, which was basically that the city intended to demolish this building. This was a very structurally sound building with

Minutes of the regular January 18, 2005, meeting of the City Council, City of Eden, continued:

22

real strong timbers and anyone who had walked into that building knew that it was a strong building. He stated that they would like for the City Council to offer them some relief from the threat, not that they did not have full right to proceed with the ordinance, but that they intend to make this building a good community asset.

He noted that they had also met with a mason who would repair a lot of the brick structure. They were going to have this building looking good and very functional, but they just were not able to do it on the timetable that they had hoped and intended to do.

Mayor Price asked when they realistically hoped to finish it.

Mr. Porter replied that they would like to finish it in four weeks, but the weather could be a hold up on that. He added that the electrician claimed that he would get the work done in two weeks, but he would say that by four weeks it would probably be done. The carpenter needed to finish the drywall and complete that part. The mason was going to start right away and do some puttying around some of the areas that needed weatherproofing. He stated that what they were shooting for was an enclosed bathroom with an open type atmosphere in the old store building for the living quarters.

Council Member Epps asked if the ceiling was leaking.

Mr. Porter replied no and he himself had scraped and painted the tin roof and it was very functional on both sides. There was some leakage on the back part of the store building but the mason was going to replace the loose bricks. It was a double wall brick structure and the inside wall was very sound.

Council Member Epps questioned the photograph of the 401 structure. Mr. Porter explained that they would not be using that building as a residence.

Council Member Tuggle asked what he would do about the facility (401) that was in such a bad shape.

Mr. Porter replied that in 401, they have had weatherboard type wood that was attached to the rafters. They have had that removed and it looked much better now. He noted that it would be painted black.

Council Member Tuggle asked if that had been done in the last few days to which Mr. Porter replied yes and it was going to look real good. That part of the building would be used as a storage type area for a residence.

Council Member Gover asked if he would have it done in four weeks.

Mr. Porter replied that they would have done what was intended for the project, which was a bathroom, an open floor, with a rug, bed, etc., serving as a bedroom, but again, he stressed that this was not a standard or typical suburb type residence. He mentioned the heater, which was an old commercial natural gas space heater attached to the ceiling. He stated that he understood that it was very functional back then and was still used about five years ago, but if that was not going to work, then they could get another type of space heater there.

Council Member Tuggle asked if he could have everything completed and in shape in about 90 days to which Mr. Porter replied that they could do that.

Mrs. Stultz asked if that included a kitchen facility to which Mr. Porter replied that was what he did not quite, again when one was a bachelor, a kitchen facility was a microwave and a refrigerator.

Mayor Price interjected that he thought what she was talking about was it had to be in the code.

Mr. Porter asked what that entailed because they would have a refrigerator, a sink, and a microwave.

Minutes of the regular January 18, 2005, meeting of the City Council, City of Eden, continued:

23

Mr. Medlin pointed out that they really had two issues. He explained that first of all on 401 they already have an order that had been issued by their building inspector and they had already passed an ordinance telling him to enforce it. On 403, what originally came before them were the order and a request that the City Council take action telling the building inspector to enforce that order. That was what he thought was tabled which was why he thought everything was looking at 403. So, the building inspector had already issued findings and an order that tells them what they have to do. So, they have to do what the building inspector had put on paper that they had to do or else they were going to continue to be in violation and nothing would get resolved and it was going to have to be fixed. Now, how they intended to use it may in tell an entirely different set of rules and regulations. If they were going to make it residential then they had some other things they were going to have to do but at this point, they had to do what the building inspector had put on paper to satisfy that order or else the Council would have to take action to fix it.

Mayor Price stated that he would like to see the Council extend this to the Porters and give them enough time to finish it out, they had made some substantial work in an area that was obviously a problem, but he did not have any problem at all extending it to 60 or 90 days.

Council Member Nooe stated that it sounded to him that they needed some clarification on exactly what they need to do so that they did not keep spending money and not get to where they were supposed to be going. He knew that they had been told over and over again but it sounded like they needed to be told one more time for clarification.

Mrs. Stultz explained that she had met with Mr. Porter on numerous times and Mr. Vincent had met with them a bunch. They shared with them the basics and tried to explain to them all the things that were necessary for something to qualify as a residence. She certainly did not mind having Mr. Vincent do it one more time.

Mayor Price asked if it had been put in writing.

Mrs. Stultz explained that they had some design limitations in their ability to design projects and sometimes that was what happens, people wanted them to design things and she thought that Mr. Vincent and Mr. (Joe) Porter had had this conversation several times and Mr. Vincent legally could not stand up there and say, "design it", they have to get a contractor to have it designed and bring them plans that they could review, but they have been told that they have to have all the things that were required for a residence and certainly residences look very different, but they all have to have proper heat and ventilation, egress and ingress, cooking and eating facilities, plumbing and all of those things to meet the minimum standards and the building code has requirements. The heating system, and it may be perfectly functional in somebody's gym, but you could not have that in a residence.

Mayor Price asked if Mr. Porter had a problem doing a rendering at this stage.

Mrs. Stultz added that Mr. Vincent had also met with various contractors that they have hired and in fact Mr. Massey was in the office that day.

Mr. Porter replied that the rendering that they did prepare, and he believed that they gave them a copy of that, showed the floor plan, to scale, of the upstairs and downstairs of both of these two buildings. In the upstairs of the brick building, 403, that was the main primary residence type structure and that was the one that has this bathroom. In that one, they drew a picture of a rug and a bed, and that kind of thing, and they had a picture of a kitchen sink on the outside of this bathroom which was what they would prepare. So, again, from their point of view, it did have a bedroom, kitchen and bathroom. When he and his brother met with Mrs. Stultz and Mr. Vincent they have really not been able to communicate or understand that they understood that what was prepared on paper, met the needs of a residence. He stated that they had drawn it on paper the best that they could and they were going to execute it, but when they tried to talk with Mr. Vincent, then they were not successful that he would accept what they had done or not.

Mayor Price questioned the Council on the extension of time.

Council Member Tuggle reiterated that he thought 90 days should give him enough time to do everything he needed to do.

Minutes of the regular January 18, 2005, meeting of the City Council, City of Eden, continued:

24

Council Member Gover questioned what they would do after 90 days and Council Member Epps commented that he liked the 30 day updates.

Mrs. Stultz stated that she guessed that she and the Porters needed for the Council to tell them what they mean by the end of those 90 days. She asked if that meant that this building had been made eligible to receive a certificate of occupancy as a residence.

Council Member Gover commented that they said that they needed 4 weeks to do what they needed. He asked if that was in compliance with what she was requesting that the ordinance request, and Mrs. Stultz replied she did not know.

He also questioned if that was 4 weeks to do what he had drawn out in the little specs. He asked that if they gave him 90 days, what he could do in 90 days. Was he going to complete this in 90 days or 4 weeks?

Mr. Porter replied that specifically he would propose that it be a satisfactory residence within 90 days as they would get a functional heating system in there and they would get a functional kitchen sink, as described in their drawing. He explained that the weatherproofing of the building would also be under control and the electrical and plumbing would be functional, but in terms that it would really meet with what Mr. Vincent or Mrs. Stultz wanted...

Mayor Price explained that he thought the Council was really working to honor his request but it seemed to him that he and the Planning Director needed to have some type of meeting of the mind of exactly what the requirements were to meet minimum housing and to be a functional residence.

Mrs. Stultz added that it was really not what she and Mr. Vincent wanted, but what was in the code. She stated that they would be glad to meet with the Porters at any time that it was convenient.

Council Member Gover asked if they were working with the contractor to which Mrs. Stultz replied that they had met with him. Council Member Gover pointed out that the contractor should know what the ordinance reads.

Mrs. Stultz replied that they should. The building code was very specific about what made something legitimate. She thought that was what Mr. Vincent had stressed several times and they did not really have the ability to design it for people and the contractors that he had hired were all licensed and they all knew what the rules were; and they were responsible to see that it gets there. If the Council wanted to have it brought back and they could issue a CO and it was legally livable in 90 days, then that was what they would do.

Council Member Turner asked if he had to have an occupancy certificate in order to keep from being condemned or torn down. She questioned what the zoning in that area was.

Mrs. Stultz replied that the zoning in that area was residential. This building has been zoned residential for a long time. She explained that the store was there and vacant in 1968 at the time they did the original zoning and it had always been residential. She stated that if they were trying to make it a commercial building that was a whole new ballgame.

A motion was by Council Member Tuggle seconded by Council Member Gover to table action on 403 Morgan Road until the April 2005 meeting of the City Council and requested updates to the City Council every 30 days.

Council Member Gover stressed that the communication needed to be straightened out with all involved. Council Member Nooe added that it sounded like the communication had been there, but the owner wanted to do it one way and the building requirements would not allow that so they had to meet the building requirements.

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

Minutes of the regular January 18, 2005, meeting of the City Council, City of Eden, continued:

25

- c. Consideration of Municipal Agreement, and adoption of Resolution, Project B-5-3509, WS:33122.2.1 (Bridge 75 over the Smith River on SR 3003 in Eden) and Resolution.

A motion was made by Council Member Epps seconded by Council Member Myott to accept the agreement and resolution as presented.

Council Member Nooe asked if this item was what was discussed in the Water & Sewer Committee meeting to which Mr. Corcoran replied, yes. He asked if they had discussed talking with the NCDOT to get some questions answered to which Mr. Corcoran replied, yes, which was the committee's recommendation. Council Member Nooe stated that he was not on Council when it was originally done and Council Member Vestal had some questions and he understood that the construction would not take place until October. He asked if there was a big rush to decide this that night.

Mayor Price replied that this has been brought up and they received the report today that they wanted to begin in May. The City Manager has seen this as well.

Mr. Corcoran added that he received a copy of the report at eleven o'clock that day.

Mayor Price explained that he was referring to a meeting where questions were brought up and they would certainly need to address those questions.

Council Member Epps added that he thought that the DOT had all of their meetings and it was cut and dry that the city would make their commitment to all the utilities and the grading. He added that it had stirred up a lot of things at that last meeting and a lot of things were brought out that was not even agenda oriented. It was always common that the municipality takes care of those things as far as the infrastructure and it was a very low figure compared to what it would cost if they tried something else. He also added that if they pushed the DOT or give them a little hard time, they may lose some of this clout that they have built up over the last few years to get some things done. He also pointed out that they could go ahead and build the bridge and forget about their infrastructure and the city would have to worry about it. He pointed out that they had already done their permitting and drilling and everything.

Council Member Gover stated that he had been on the Council since it was brought up, but it was never voted on, per se, it was only an opinion by the Mayor that the Council had agreed to do that. There was never any money brought up on what the municipality would have to pay and he had asked that question some time ago and \$310,000 to half a million dollars was what the city would be responsible for. He pointed out that they needed to be very careful how they spend this money because every day that they spend money like this down the road or in the new future, they could drop an employee, so they had to be careful with their money. They know what the consent order said, and how much money they would need to spend, so they needed to look at it and if they could hold off on the bridge, or if they could use another method, then they needed to look into it because the city was up to spend some money that it did not have.

Mayor Price recognized Mrs. Marianne Aiken, who had asked to speak on this issue.

Council Member Myott commented about the \$300,000 figure and if they had received that information.

Mr. Corcoran replied that they received the report just today.

Council Member Turner questioned if that was a bottom amount or a top amount to which Mr. Corcoran explained that it said in there that this report was a limited analysis and the report did not go into the level of detail necessary for design of utility relocations. So, the figure that was in there was just a rough estimate.

Mrs. Aiken, 700 Riverside Drive, explained that she was very interested in the bridge. She pointed out that the DOT had said they needed a new bridge. The old one would have to be replaced. She stated that what had to be done had to be done and there had been five years of work put into this. The process began in 2000 and there were many hearings, citizens had ample opportunities to come and voice their opinion, which they did, and gradually different alternatives were chosen and it had been a very orderly and thoughtful process. She stated that

Minutes of the regular January 18, 2005, meeting of the City Council, City of Eden, continued:

26

she could not imagine that at this late date, after how many thousands of dollars the DOT had spent on surveying and drilling and the environmental and historical studies, to her, to throw that away at this point was very poor stewardship. It was all taxpayer money, it may be coming from the DOT but it was still taxpayer money. She stated that it would be a terrible waste to stop at this point.

She quoted Margaret Thatcher, who famously said, "Let's not get wobbly at this point", and she thought there were some folks who were getting a little wobbly about what was necessary to accomplish something. They did so well with the Highway 87 bridge, it was a magnificent addition to their city and now they had the opportunity to have another that would be a great advantage to the area and they needed to see that it was carried through.

Mayor Price asked Mrs. Aiken how many public work shops she thought was held.

Mrs. Aiken replied that she had records of two and then they themselves had a meeting and invited the DOT and anyone who would come. She added that their representatives had attended their meetings.

Council Member Turner asked if they knew from this document today, the final plan of the bridge.

Mayor Price replied that this document was from Davis, Martin, Powell and Associates of High Point and this was a utility analysis. This was not an unknown document, the city has had input into this in regard to increasing the size of the waterlines going across the rivers. He added that he had received this report right before the meeting. It noted that the city could do one of two things, it could strap their new pipe under the new bridge or it could go under the river. If they wanted to go under the river, they doubted there would be approval for that process and second it would be very expensive to go under solid rock, so the alternative to go under the bridge was fine.

He stated that a comment was made that the Mayor chose this site. He explained that they have had open comment and the State had bent over backwards to make sure that people were involved. People came from all over the community and expressed their comment on it. The DOT had given their recommendation on it. They had several alternatives out there and the proposed costs. It was a very expensive project. He stated that he could tell them that he knew that the State had done the engineering and environmental study, which was very extensive. They also did a very extensive historical scan of the area that was going to be impacted. They were trying to be responsible to the city and in his judgment, and they made a decision that was fair, the people in the community decided, and they have gone forward in good faith. He stated that he thought they needed to be in good faith to them. If they changed schedules now it just seemed that would not be a responsible thing to do.

Council Member Gover commented that they deleted Highway 700 on there and they reduced the traffic. So they did not have Highway 87 or 700 going that way, there was mostly local traffic. He pointed out that Highway 700 did not come across their city anymore. So all of that was reduced, he pointed out that if they lowered the weight limit on that bridge they could keep it.

Mayor Price stated that it seemed to him that they decide what they want to do.

Council Member Gover asked if he was saying that 700 (highway) had not been deleted.

Mayor Price replied that he had no idea where 700 was going. He stated that he could tell them that they were sitting there in 2005 and that bridge could be finished in 2006-2007 and add twenty (20) years to that, where would this city be. They all knew this community was going to grow and they were trying to make a decision as to what was best for the community, and they wanted to be responsible to the tax payer's dollar. He stressed that they think to the future of what could happen around here and what could change.

Council Member Epps stated that he got curious the other day and got out and looked at all the businesses that they have on that side of the river and they have somewhere (in the number) of 18 or 20, Church Street and Morgan Road, and in fact, he wrote it all down and was going to call

Minutes of the regular January 18, 2005, meeting of the City Council, City of Eden, continued:

27

them, but he wanted to wait until the meeting to see what was going to happen. He stated that he felt that the North Spray area would be isolated or cut-off in the future. The DOT did not replace a bridge that did not need it. He believed that the report showed over 16,000 cars (vehicles)....

Mrs. Aiken added that it was very large traffic and they envision it increasing.

Mayor Price agreed and stated that from living there he could tell them that there was a lot of traffic and not only during the day. He stated that it was a growing community. He pointed out that the northern piedmont was not only growing but also a transportation hub and it seemed to him that they should be making arrangements.

Council Member Epps added that he was just as concerned about \$300,000 as anybody else, but they have a future here and while they had the opportunity, they needed to seize it. He felt that already some people were doing some renovating on that end of the river, so there was an interest in that area. They have drug stores, air conditioning companies and appliance companies. He pointed out that Mr. Stratton had one of the finest setups as far as appliance services that there was in the city. He also pointed out cleaners, convenient stores and eating places. There was a lot of businesses in that area that would be crippled if later on that bridge did not get fixed and have to be removed.

Mrs. Aiken explained that her interest was also in the historic district, and she would hate to see access to that closed off when there seemed to be things in the air that might very soon come to fruition in that area and it was very exciting. This would be a horrible blow.

Council Member Epps added that there had been some talk lately about maybe a convention center or something like that in the area.

Mrs. Aiken replied that it was more than talk at this point.

Mayor Price thanked Mrs. Aiken for her comments.

Council Member Tuggle commented that he had no problem with where the bridge was, he loved the traffic circle and the historical aspects of it, but his problem was, he was a new Council Member, and not having gone to those meetings, and this was on the Consent Agenda, and to find out that it would cost over \$300,000 of tax payer money, he felt very uncomfortable voting for anything until he had someone, a DOT representative, to sit down and show him the plan and maybe answer some questions.

Mayor Price asked if there were any discussion at the last meeting.

Council Member Tuggle added that he just had a problem with being on Council for only a year, and in a year, he was not at all those meetings and when those things come before him, he would be a bad Council person just to rubber stamp something that was just put on the Consent Agenda that was going to cost tax payer's \$300,000. He stated that he had bits and pieces of information but he would like to see something from DOT, and he did not think it was asking too much to bring the DOT in and let them make a presentation. He added that he did not necessarily disagree with anything that was said tonight, but he had a problem voting for anything that he had very little information on.

Mayor Price replied that was a point well taken and several things had been talked about tonight. One was the issue of location and the bridge and he reiterated that he personally thought that those projects that would take five years, they would have changes in Council people, but they needed to respect the wishes and what the State had done and the fact that a lot of people came in and made their decision. He had also raised an interesting question about money involved here and there was a contract that he was made aware of today that came.

Council Member Tuggle questioned how he could vote on something that was on Consent Agenda and rubber stamp it when he had really received very little detailed information on it. He added that he did not have a problem with where the bridge was at.

Mayor Price replied that they had this item on Unfinished Business, and they would try to have someone from DOT come in and they could place it back on the agenda next month.

Minutes of the regular January 18, 2005, meeting of the City Council, City of Eden, continued:

28

A substitute motion was made by Council Member Tuggle seconded by Council Member Gover to table this item until February. All Council Members present voted in favor of this motion. This motion carried.

NEW BUSINESS:

(a) Presentation of FY 2003-04 audit.

Mayor Price asked Mrs. Judy Rouse of Rouse, Rouse, Penn & Rouse, LLP to come forward for the audit presentation.

Mrs. Rouse began with page one of the Audit Report. She noted the third paragraph down, that in their opinion, based on their respective audit, the financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business type activities, the discretely presented component units, each major fund and their aggregate, remaining fund information for the City of Eden as of June 30, 2004, and the respective changes in financial position in cash flows for the year ending. So the city had a clean opinion on their financial statements.

Mrs. Rouse explained that this audit was prepared on the Single Audit Act and this was the second year of the implantation of the Governmental Accounting Standards No. 34.

She noted that in those statements they also find the financial statements for the Eden ABC Board, which was of course a component unit of the City of Eden. She stated that the Council had received a very detailed analysis of the audit report and management letter. They have reviewed the report and found it to be very complete and accurate. They were pleased to note that the City Manager had addressed each issue that they had presented in the management letter.

She noted that as the Finance Department employees receive continuing education in governmental accounting, they believed that better financial reporting would result. Therefore, the number of adjusting entries should decrease and there would be greater awareness of expenditures over budget and deficient in individual fund balances.

Mrs. Rouse asked them to turn to page 15. She explained that this was the Statement of Net Assets or what the city was worth. The Governmental Activities were shown in the first column and, of course, this was on the full basis, and it was the second time due to the implementation of GASB 34. In this column they would see that the Statement of Net Assets and Governmental Activities consist of the General Fund, combined with the Special Revenue Fund and the Capital Projects Fund. That was in their very first column.

She explained that the city's Special Revenue Funds were the Single Family Rehab, the Flint Hill Community Development Grant, the Historic Preservation Commission, the Emergency Communications, and the Promotional Activities. The Capital Projects Funds were the Economic Development Initiative and the Municipal Park. So, if they looked down at the very bottom of the page at the first column, the Net Assets total \$13,410,080. If they would look right above that, the amount of those assets that were invested in Capital Assets Net of Related Debt was \$6,771,373. In that same column, if they looked at the Powell Bill money (in Transportation), this was reserved for the Street Related Construction. On June 30th that balance was \$137,308.

Mrs. Rouse explained that the Economic and Physical Development, which the total of it was \$159,704 was the total of all the Special Revenue Funds except the Emergency Communication and the Historic Preservation's Net Assets. The Public Safety consisted of the Emergency Communications funds and the total there was \$61,359. Under the Cultural and Recreation were the Municipal Park and the assets designated for Historic Preservation, so if they saw the very last figure, the Unrestricted Balance that the city had was \$5,902,399.

She explained that the next column was the Business-Type Activities and that was the Water and Sewer Fund. She noted the Net Assets which were invested in Capital Assets was \$24,951,019. So, that was the waterlines, the facilities that they had for the Water & Sewer Fund, the equipment, vehicles that was the total of their Net Assets less the related debt.

Minutes of the regular January 18, 2005, meeting of the City Council, City of Eden, continued:

29

The next figure there, \$1,907,465 was the amount of money that was transferred into the sub-fund of the Water & Sewer Fund that was reserved for their Capital Projects within the Water & Sewer Fund. The unreserved portion of that Water & Sewer Fund was \$6,232,073.

She asked them to turn to page 16. She noted that the first column showed the Functions/Programs for the Governmental Activities, the Business Activities and the Component Unit. The next column showed the Expenses of those services and the next column showed the Charges for Services. She noted that the Expenses in that first column were reduced by the Charges that they had for the services and Operating Grants and Contributions to produce the Net Expense or Revenue and the changes in the Net Assets. She asked if they would look to the middle of the page they would see the total was a deficient of \$6,712,171. This deficient was funded by the General Revenues shown below. She noted that if they looked at the bottom they would see all the Revenues that came into the city that were generally to fund the whole expense of the city. This consisted of the Taxes, Property Taxes, Local Taxes, all those various things and Grants and Contributions not restricted, Unrestricted Investment Earnings and Gains on Sale of Fixed Assets or Transfers from Component Unit. Right at the bottom, the General Revenues and Transfers gave a Change in Net Assets of \$2,058,883. The Net Asset at the beginning of the year increased from \$44,441,754 to \$46,500,637 for the Fiscal Year Ending June 30, 2004. Therefore, the city continues to be in a very strong financial position. This was a consolidation of all of the funds of the city.

She then asked them to turn to page 67 in talking about the General Fund. She noted that at the bottom of the page, the Fund Balance of the General Fund increased from \$6,278,504. On June 30 of this year it was \$6,954,005 so that was an increase in the Fund Balance for the General Fund of \$675,501. On that same page, she noted that the Fund Balance for Available Appropriation or the Undesignated was \$5,102,963.

She then asked that they turn to page 87. The total Actual General Fund Expenditures amounted to \$10,027,839. Plus, under Operating Transfers, \$195,640 was transferred to other funds so the total of their General Fund Expenditures was \$10,223,479. So, if they took one twelfth of that amount they would get \$851,957. So, three months operating expenses, which was the amount the Council voted on to keep during the 1998-99 year would be \$2,555,862. The amount Undesignated at June 30, 2004 was \$2,547,101 above the three months operating expenses. The state-wide average level of available fund balance maintained by comparable sized municipalities was 34.4% of the General Fund Expenditures or \$3,619,112. Eden's Undesignated Fund Balance at June 30, 2004 amounted to 49.91% which was up from last year, a nice increase.

On page 70 Mrs. Rouse noted that they talked for a minute about the Revenues. The Budget Revenues were \$10,035,156 and the Actual Revenues were \$10,476,243. So, that was a favorable variance. Their Revenues were up over the budget by \$441,087. Looking back, the reason why they were up, in the prior year the Revenues were \$9,671,469, they were up because of the increase in property taxes, franchise taxes and the local option sales tax.

On page 87, the Budgeted Operating Expenditures totaled \$10,304,542 and the Actual Expenditures were \$10,027,839 for a favorable variance of \$276,703 which compared with a Total Actual Expenditures for the Year Ending June 30, 2003 of \$9,373,695. So, the Total Expenditures this year were up 6.98% from the prior year. Also, this year the Water & Sewer Department or the Fund, reimbursed the General Fund for Utility Users Fees in the amount of \$640,735 and this compared with \$614,711 for the prior year.

She noted that they had a detailed report that had gone into all of this and they were trying to hit the highlights. She stated that if they did not have questions, they were welcome to give her a call.

Council Member Tuggle commented that he would like to sit down with her sometime to see if she could enlighten him a little bit more. He thought that the synopsis was wonderful with good short layman's terms with detailed information.

Mrs. Rouse agreed and it was also telling them how the report was organized and how the funds were organized. She added that she would be glad to meet with him anytime.

Minutes of the regular January 18, 2005, meeting of the City Council, City of Eden, continued:

30

Mr. Rex Rouse continued on with the Water & Sewer Fund and directed them to turn to page 104. The Equity in the Water & Sewer Fund increased from \$31,241,000 to \$33,090,000 last year. The Water & Sewer Fund Income Statements found on page 105 and the Total Operating Revenue decreased from \$8,606,000 to \$8,350,000 and a reduction in the Sewer Charges last year from \$3,561,000 to \$3,397,000, which was the biggest line item because of that decrease in Water & Sewer Revenues.

The Non-Operating Income decreased from \$78,266 to \$63,382 and Total Operating Expenses decreased from \$6,279,000 to \$6,126,000 so their Operating Expenses were down some. The Non - Operating Deductions decreased from \$544,000 to \$439,000 and that was mainly the result of a reduction in interest as their principle gets paid down, and the Interest Expense reduced from \$429,000 to \$349,000. At the bottom line, the Water & Sewer Fund realized a Net Income of \$1,849,000 this year compared with \$1,786,000. They put two excellent years back to back showing very strong profitability and both the General Fund and the Water & Sewer Fund was in an excellent financial position for a town this size.

He then asked that they turn to page 127. He explained that this was the Self-Insured Insurance coverage program, begun on July 1, 1995. He explained that the Self-Insured Insurance Fund was carried as an Internal Service Fund and the Balance Sheet was found on page 127. The Fund ended with a deficient of \$122,910 compared with a surplus last year of \$151,599.

On page 128, he explained what caused that deficient, the Claims were high last year at \$1,245,000 and for the year ending June 30, 2003 the claims were \$807,000. They budgeted \$952,000 in Claims, but although they had a significant increase in the budgeted amount their actual Claims still came in \$294,000 over the budget which would require a budget amendment and additional withholding from the employees and the city was going to have to bear part of that, just a universal problem with the cost of healthcare.

He then referred to page 130, the Combining Balance Sheet for the Trust and Agency Funds were shown. Those funds consist of the Police Special Separation Allowance and the Runabout Travel Club. The fund balance of the retirement fund, the Police Special Separation Allowance was \$354,000 and the Agency Fund was a holding fund for which members contributed monies for scheduled activities and trips fund balance was \$17,003.

The Details of Long-term Debt appeared on page 60. The General Obligation Bonds and the Installment Purchases, the Governmental Activities totaled \$843,000 and the Water & Sewer Fund had a total long-term debt of \$5,897,000 so the total debt of the town was \$6,740,519 as of June 30, 2004. He stated that serious consideration needed to continue to be given to the required level of future water & sewer rates. The Debt Service requirements for principal would exceed \$1,200,000 for each of the next four (4) years and the city depends heavily on a single water & sewer consumer which accounted for 34% last year of the Water & Sewer Revenues. He stressed that was the scariest thing to him was that the city was so dependent on one crucial water & sewer consumer.

Council Member Tuggle asked Mr. Rouse to repeat that to which Mr. Rouse explained that they had one industrial consumer that accounted last year for 34% of their total Water & Sewer Revenue. The future of this customer was critical to the city's ability to make the required principal and interest payments on the bonds and fund the annual maintenance on the city's aging water and sewer lines. The city should continue to monitor a long-term plan for funding those payments with or without this customer.

Mr. Rouse explained that the legal debt margin in North Carolina was 8% of their assessed valuation. He asked them to turn to page 135. He noted that in the first column they had the total Property Valuation of the town at \$759,948,000 and 8% of that was the legal debt margin which would amount to \$60,795,000. He stated that their total debt was only \$6,740,000 or only a little over one tenth of what they were permitted to have. So, their debt was very low in relation to the debt margin and at the time they authorized the issuance of the \$23 million in Bond Issues about 16 years ago, at that time, they had a debt of about \$4 million and their total legal debt margin at that time based on their total property valuation was very close to the \$27 million, now they did have to issue all the bonds and never came up to that permitted maximum, but compared now with only \$6 million in debt relative to the \$60 million total debt margin they were in a very favorable financial position.

Minutes of the regular January 18, 2005, meeting of the City Council, City of Eden, continued:

31

He also noted that they also had an analysis of the Current Year's Tax Collection and they had computed the Collection Percentage. This year the Collection Percentage was 96.50% and this was the best it had been since 1998. It was still a little bit below the State average of about 97.5 %, but he thought that was largely the result of the County's economy.

He pointed out that he had given them a handout that analyzed the Interest Income and all of the funds of the city and the total Interest Income this year amounted to \$164,502 compared with \$187,000 last year. This generated the same amount of revenue, two sets of additional property taxes. That reduction in the Interest Income was a result of very low interest rates, but they have had some years when the Interest Income was equivalent to about eight cents on the tax dollar and that was a significant amount.

Mr. Rouse commented that was all he had to say about the financial statements. The City Manager had done a very fine analysis of the town's finances and he had responded to each item in the Management Letter. He noted that they had all been presented a copy of that.

Council Member Tuggle commented that he thought that it was very self-explanatory and to the point.

As there was no questions of Mr. Rouse, Mayor Price thanked him for the Audit Presentation.

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

(b) Proposal and discussion of the city's junk vehicle abatement program.

At their December meeting the Planning and Economic Development Committee discussed the issue of junk vehicles in the community. A Power Point presentation was made outlining some of the issues and possible solutions. The Committee recommended that this matter be brought before Council for further discussion at the January meeting.

Mrs. Stultz began with a power point presentation outlining the city's junk vehicle issues. She explained that their definition of a junk motor vehicle was the same as the (North Carolina) General Statute's, which was a junk motor vehicle was a vehicle that did not display a current license plate and had one of the following conditions: (1) was partially dismantled or wrecked, (2) could not be self-propelled or moved in a manner in which it was intended to move, or (3) was more than five (5) years old and appeared to be worth less than \$100. There were a number of cities across this State that had petitioned to have special legislation put in to have that \$100 raised to \$500. She added that was also something that she would ask the Council to consider as well. It was hard for them to establish that a vehicle was less than \$100 and scrap metal was sometimes worth that much.

She questioned what a junk vehicle was and referred to the vehicles that were projected on the wall. She noted that one of the vehicles shown was not a junk vehicle as it had a tag and it could be moved and it had insurance. She explained that junk vehicles come in all shapes and sizes and include automobiles, vans, and utility type trucks. Sometimes they were alone and they would see a yard with one and sometimes they were in multiples.

She explained that during this time of year when the leaves were off the trees, they receive lots of complaints about cars. She stressed that one junk motor vehicle in its entirety could be located in the rear yard as defined by the city's zoning ordinance if the junk motor vehicle was entirely concealed from public view, from a public street, and from abutting premises by an acceptable covering. To date, their ordinance did not really describe what that coverage was and about ten years ago an interpretation by the zoning officer was made that that included a tarpaulin over a vehicle in the backyard and at this point this was where they stood. She explained that any vehicle in an enclosed building was exempt from the regulations.

Council Member Gover asked Mrs. Stultz to describe a rear yard.

Mrs. Stultz replied that it was behind the rear building line of the house.

Minutes of the regular January 18, 2005, meeting of the City Council, City of Eden, continued:

32

Council Member Gover stated that it did not say at the end of the property line to which Mrs. Stultz replied no. He asked if that had been explained to people to which she replied in the affirmative. Council Member Gover pointed out that he received phone calls about that all the time.

Mrs. Stultz replied that she knew that he did and she they were often misunderstood and it was not from lack of effort.

Council Member Gover stated that the other confusion was, when they show one with a tag that has had parts taken off of it, but it was still mobile, and the one without a tag, but looks like a perfect car, that was confusing. Mrs. Stultz agreed. He pointed out that was where the communication fell down, when they have to answer those things.

Mrs. Stultz continued that with an enclosed structure, they had lots of folks in the community who were hobbyist, and whatever they could keep in their building certainly they were entitled to do. Junk vehicles located on private property were regulated by the Planning & Inspections Department. A junk or abandoned vehicle located on a street or a public right of way was regulated by the Police Department. When the original model ordinance was presented by the League after the Legislature adopted junk car regulations in 1989; at the time, the general thinking of their legal representation was that it probably came with three different sets of statutes, but they should have different ordinances, it worked perfectly fine and it did make it easy to tell that the Police Department did this section and the Planning & Inspections Department did the other.

The reasons for removal, the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. It was one of those things where the impact to the folks around them, the environmental hazards, all of those things, really did play a huge role and the relevant factors were protection of property values and promotion of tourism, all of that was straight out of the statute.

She explained that the city had two primary ways of dealing with junk car violations. The first one was slow and steady, but when a judge told her that they could remove a bunch of cars from a place, they could remove them and dispose of them. She stated that it took a long time. She explained that (only) that morning she and the City Attorney were in court over a junkyard that involved a lot of vehicles. She noted that the first visit that the Planning & Inspections Department made to that site was in 1996. She stated that sometimes that they go on a long time.

A nuisance vehicle which was a standard junk car kind of thing, she used an example, if one of them called in and said that their next door neighbor had a car on their property that was junk, if the city went out there and it met requirements, if they did it as a nuisance vehicle, which was through the junk car ordinance, then they red tag them, go back to the office and run the numbers and in seven days (7) they could haul it away. There was an appeal process and all the due process things that go with it. She noted that they all knew about zoning violations and the notices that were required, the due process, and then it finally came before the Council for them to authorize legal action.

Mrs. Stultz explained that for zoning violations, the pros were, there was no towing and storage cost, however the process was longer and they instituted, usually, more legal fees. The nuisance was much shorter, the cons were storage, towing cost, and limited storage space available at local towing facilities. In the last few years the city had begun to regulate, they had always regulated, but were very specific about the numbers of vehicles that a various towing operator could have, usually they were limited to 50. They really did not want 48 of them to be junk cars that they have picked up on behalf of the city, and therein was the problem. There was a statutory process that they had to go through dealing with the Department of Motor Vehicles to be able to dispose of those vehicles. The city would have to go through the same process and it was lengthy.

She used as an example, if a private property owner had a tenant, and that tenant had left a vehicle on that property, the property owner could send the city a letter in writing asking the city to remove the vehicle. A vehicle owner could authorize the city in writing to remove that vehicle and sometimes that happens.

Minutes of the regular January 18, 2005, meeting of the City Council, City of Eden, continued:

33

The Department conducts drive by inspections along random streets in all the areas of the community and the last was in November 2004. There were documentations of 46 locations with violations. She stated that they estimated that there were approximately 1,000 vehicles sitting about in the community.

Council Member Gover asked that if a car was mobile and had a tag on it, the windshield was knocked out of it, but no inspection sticker, what was that.

Mrs. Stultz replied that they had to go and take a look at it. The definition did not say all of those things, it said no tag, and one of those things, if it had a tag, a valid tag, from the best of her knowledge, it was there.

Council Member Gover questioned the inspection sticker.

She replied that at that stage, she was not aware that it came into play. She proposed to the Council a possible solution. She then provided a photograph of the public works facility on Klyce Street. She noted outlined in red, a very large area that was fenced. She stated that they would like to be allowed to use some or all of that for a storage facility for vehicles that they have removed. She added that they would have to meet the same requirements that everyone else was required to meet which would mean the fence would have to be the standard requirement and gravel would have to be brought in to allow a tow truck to get in and out.

She stated that the fence was already in existence, they would have to use slats and build a road. She estimated that would be approximately \$60,000 and that was with prison labor to add the slats. The other things they would be required to do would be to develop a fee schedule to include towing cost and city storage cost that would be added to the Planning Department's fee schedule. That would allow the city to go through the same process as the other tow truck businesses do when they have a vehicle for any extended period of time, was to be able to dispose of it and get it off the lot.

Council Member Tuggle questioned who would pay for this.

Mrs. Stultz replied that she would be truthful; a nuisance vehicle of that type, there was a good shot that (the city would not receive money from the vehicle owner). She stated that she really believed that the most effective way for the city to have a proactive junk car enforcement program was to have a facility that belonged to the city. The city did not have a tow truck, so they would still need private vendors to pick them up and they would do it on a rotation the same as the Police Department. They would also have to go through the paperwork process from the DMV for permission to auction them off at regular intervals or to haul them away.

Council Member Gover questioned that if a car was not worth but \$100, how much was the city willing to spend through legal fees, administrative fees, and what have you. What were they looking at per car.

Mrs. Stultz replied that she did not really have a way of telling him that because each car was different. As they knew, there were some that were dealt with quickly, she really believed that as with a lot of their other programs, they step up enforcement, if they begin to tow vehicles away, then more and more people, when they send them that first letter would help them come to a simple solution to get it taken care of. There was also a benefit to the surrounding community and while they may end up with a \$50 towing bill and some administrative costs, to go through the paperwork, there was always a benefit to the community. She explained that one of the things they were always told was that the appearance and condition of the community was not only a quality of life issue for their citizens, but it was a greater economic development tool. As they did their overall code enforcement program, she heard more and more from Council Members that this was a priority and the things were scattered about.

Council Member Epps agreed as he received more calls about cars than he did anything.

Council Member Turner asked if this would come in from the Klyce Street to which Mrs. Stultz replied in the affirmative.

Minutes of the regular January 18, 2005, meeting of the City Council, City of Eden, continued:

34

Council Member Gover noted that in making a storage yard as described, they had to meet those environmental standards. He asked how she would meet those standards with all the oils and transmission fluids running into the ground.

Mrs. Stultz replied that she certainly intended for them to meet the requirements of everybody that was allowed to keep fifty (50) cars. She noted that if they had someone who had 200 cars, they would certainly pursue that as a zoning violation. She added that the city would have to follow the same rules as everyone else.

Mayor Price added that this was going to be a learning curve and this was something the city had long needed to implement. He then commended the Planning and Inspections Department for putting this together.

Council Member Tuggle stated that he assumed that they would give the Council a summary from year to year as to how many cars were collected and the cost.

Mayor Price agreed that it would probably be on a monthly report and Mrs. Stultz added that the numbers would be given on the report the Council was given each month.

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

c. Consideration of traffic study request reference parking – McConnell and Burton.

A request was received in reference to parking at the intersection of McConnell Avenue and Burton Street causing a hazard to those turning onto the dead-end portion of Burton Street. A survey of reported traffic accidents from the last four years shows that there have been no accidents at the intersection during that time.

For two weeks, a visual survey was conducted with officers from all four squads observing parking at this location, several times each day and night. All officers reported that they did not observe any parking problems at this location.

The Police Department's recommendation would be to leave the intersection of McConnell Avenue and Burton Street as it was.

Council Member Turner stated that it seemed that she had a lot of these, but she had driven by there and observed the same thing that the Police Department had observed.

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

d. Consideration of traffic study request for Handicapped Parking and adoption of ordinance – Eden Baptist Church – The Boulevard near Carroll Street.

A traffic study request was received in reference to handicapped parking for Eden Baptist Church located on The Boulevard near Carroll Street. There were currently four handicapped spots painted on the side of the roadway in front of the church. These handicapped spots were implemented by the church without the approval of the city. Parking lots for the church were located across the street from the church and at the rear of the church. The rear parking lot was located on a steep incline making it difficult for handicapped people to utilize.

The Street Superintendent and Sgt. Sam Shelton both believed there was sufficient width on The Boulevard for the location of the four handicapped parking spaces. This would meet the needs of Eden Baptist Church and would not create a hazard for vehicular or pedestrian traffic.

The Police Department's recommendation would be the official establishment of the four handicapped parking spaces on The Boulevard.

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

e. Request for the City Council to ask the City Clerk to investigate the sufficiency of an annexation petition for property off New Street (MGM).

An investigation of the sufficiency of a petition for voluntary annexation was requested for the property owned by TBMA Properties, LLC off New Street. The first step was for the City Council to ask the City Clerk to certify the

Minutes of the regular January 18, 2005, meeting of the City Council, City of Eden, continued:

35

sufficiency of this petition. This certification would include assistance from the City Attorney and the Planning Department.

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

CONSENT AGENDA:

- a. Approval and adoption of minutes – December 21, 2004.
- b. Approval and adoption for amendment to Performance Agreement with Natural Care Labs.
(*Agreement on file in Administration Department*)
- c. Approval and adoption of upgrading guardrail citywide.

Since there was an accident on Wilson Street which caused damage to the guardrail, it was brought to the Street Superintendent's attention by Don Langley of the NCDOT that the city's guardrails needed to be brought up to meet the Federal Guidelines.

- d. Approval and adoption of pavement markings on Riverside Drive.

The Street Superintendent found a local contractor to paint center and sidelines on Riverside Drive. After making numerous attempts to find someone to give a proposal, Triad Road Maintenance Co., Inc., from Reidsville, was found. This was the only response received. The Street Superintendent proposed to paint double yellow centerlines and single white sidelines from Turner Street to Aiken Road on Riverside Drive. The total footage was 1075' which would be multiplied by 4 for a total of 4300' at \$0.08 per foot and a \$300 mobilization free TOTAL price \$644.00.

- e. Approval and adoption of Main Street Advisory Board member

A request was made to appoint Jo Sherwood of FNB Bank to the Main Street Advisory Board. She would fill one of the positions that were previously authorized by City Council. Ms. Sherwood has agreed to be part of the Board providing a wealth of experience from a financial institution.

A motion was made by Council Member Tuggle seconded by Council Member Gover to approve the Consent Agenda (items a-e). All Council Members present voted in favor of this motion. This motion carried.

VOUCHERS:

There was no discussion regarding the vouchers.

Mayor Price stated that he wanted to thank the Planning Department and Mrs. Stultz for the copy of their annual calendar. He noted that they had stopped have the awards dinner for the Board members.

Mrs. Stultz replied that there was no money included last year (in the budget); however, they were planning to do it this year.

CLOSED SESSION:

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

A motion was made by Council Member Gover seconded by Council Member Tuggle to go into Closed Session in accordance with GS 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area by the public body including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. All Council Members present voted in favor of this motion. This motion carried.

Minutes of the regular January 18, 2005, meeting of the City Council, City of Eden, continued:

36

OPEN SESSION:

A motion was made by Council Member Epps seconded by Council Member Tuggle to return to Open Session. All Council Members present 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 present voted in favor of this motion. This motion carried.

Respectfully submitted,

Kim J. Scott
City Clerk

ATTEST:

Philip K. Price
Mayor